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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
DIVERSION, PLANNING AND LOCAL ASSISTANCE COMMITTEE

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SIERRA HEARING ROOM
1001 I STREET, SECOND FLOOR
SACRAMENTO, CALIFORNIA

TUESDAY, APRIL 9, 2002

9:10 A.M.

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

COMMITTEE MEMBERS PRESENT:

STEVEN R. JONES, CHAIR
LINDA MOULTON-PATTERSON
DAN EATON
JOSE MEDINA

PRESENT:

MARK LEARY, Executive Director
ELLIOT BLOCK, Legal Counsel
YVONNE VILLA, Board Secretary
JEANNINE BAKULICH, Committee Secretary
LILAH SAMPAIO, Committee Assistant

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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P R O C E E D I N G S

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EXECUTIVE DIRECTOR LEARY: Good morning.

Welcome to the first meeting of the Diversion, Planning and Local Assistance Committee since the reenactment of the committees here at the Integrated Waste Management Board.

My name is Mark Leary, I'm the Executive Director here at the Waste Board. I have some introductory comments.

But I'd like to start by suggesting for those of you on Board staff, we obviously have a lot of interest in this committee and a lot of interest in the public, and as good hosts we may want to consider giving up our seats unless we're absolutely necessary to what's going on in the committee here early on or later on in the agenda. So keep that in mind as the proceedings move forward so that we have plenty of room for our interested public.

I want to go over a couple of procedural things. The Board members have already heard this so this is really more for the public.

This is a duly formed standing committee of the Integrated Waste Management Board. It has been publicly noticed and, of course, as is obvious, it's

1 open to the public.

2 Public input will be managed in much the same
3 manner that a Board meeting is managed. That is, for
4 those of you who haven't been to a Board meeting, we
5 have speaker slips over there on the side table, feel
6 free to fill one out and submit it to any of the ladies
7 over here at the far table, and they will make sure that
8 your speaker slip is submitted to the Chair, and you
9 will have an opportunity to speak after the agenda item
10 you're interested in.

11 The committee will take up a number of items
12 today, informational, discussion and consideration items
13 in a more, maybe in a more informal setting than the
14 full Board meeting. We hope to have a kind of roll up
15 your sleeves discussion of a number of these items.

16 Each committee member will have an opportunity
17 to hear each item, form a recommendation, and vote
18 depending on the nature of the item.

19 I'd like to caveat this discussion and these
20 votes by pointing out to all of you that this is a
21 meeting of the committee; that ultimately for anything
22 that moves forward as a result of a Board action it
23 needs to be considered at the Board meeting.

24 And I'd like to read into the record a notice
25 on our committee meeting notice that says,

1 "In accordance to Public
2 Resources Code Section 40500, all
3 committee actions, even if approved
4 by four members of the committee,
5 are required to be approved and
6 confirmed by the full Board."

7 We have, we potentially have a quorum of the
8 full Board here, but that is not to infer that a full
9 four 0 vote here will necessarily be, constitute a Board
10 action.

11 I want to touch on the voting briefly. What
12 we are, may accomplish here is if we have a unanimous
13 view of an agenda item by the committee we will move
14 that agenda item, potentially move that agenda item to
15 propose it for consent at the Board meeting.

16 That is, I will propose a consent calendar for
17 the full Board, the Board may vote on that consent
18 calendar in its entirety, and the agenda item will then
19 not be further considered at the Board meeting.

20 If we have a four 0 vote of four members of
21 the committee, I will consider that a recommendation for
22 consent.

23 If we have a three zero vote with one member
24 absent, I will also consider that as a recommendation
25 for consent.

1 If we have a three zero vote with one member
2 abstaining because they have a conflict with the agenda
3 item, I will also consider that a proposal for consent.

4

5 If we have a three zero vote with one member
6 abstaining for some other reason, then I'll ask that
7 member or we'll discuss that with the members whether
8 they will object to placing that item on consent.

9 Any other vote of this committee will entail
10 full consideration at the Board meeting next week.

11 Another outcome of an agenda item discussion
12 is that the committee may hold the item in committee,
13 and not refer it to the full Board, and it will roll
14 over for further consideration at next month's committee
15 meeting or some month subsequent to that.

16 Again, I ask Board staff to see what they can
17 do to make a place for our guests.

18 And with that, we'll start the agenda. Any
19 questions of the Board members? Heard it all before.

20 The first item on our agenda is selection of
21 the chair, and I'd like to turn it over to Board Member
22 Medina to open that discussion.

23 COMMITTEE MEMBER MEDINA: Thank you. I'd like
24 to open it by nominating Steve Jones for chair.

25 COMMITTEE MEMBER MOULTON-PATTERSON: I'll

1 second that.

2 COMMITTEE CHAIR JONES: Thanks.

3 EXECUTIVE DIRECTOR LEARY: May we take, may we
4 take a vote and have it also constitute roll call?

5 BOARD SECRETARY VILLA: Eaton?

6 (Not present.)

7 BOARD SECRETARY VILLA: Jones?

8 COMMITTEE MEMBER JONES: Aye.

9 BOARD SECRETARY VILLA: Moulton-Patterson?

10 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

11 BOARD SECRETARY VILLA: Medina?

12 COMMITTEE MEMBER MEDINA: Aye.

13 EXECUTIVE DIRECTOR LEARY: Congratulations,
14 Mr. Chair.

15 COMMITTEE CHAIR JONES: Yeah. Thank you, Mr.
16 Medina and Chairwoman Moulton-Patterson.

17 Normally we'll be holding these in other
18 rooms, today there are no microphones in this room, so
19 when you are asked a question or making a delivery, try
20 to speak clearly.

21 Anybody that's got cell phones, please turn
22 'em off during this meeting.

23 There are those that want to address the
24 Board. There are speaker slips on this table over by
25 this door to fill out and hand to one of the ladies

1 here.

2 We're going to move through this thing as
3 quickly as we can, but there are is a lot of business to
4 be done.

5 There are going to be some items that Mr.
6 Leary talked about that you may get a three 0 vote or a
7 four 0 vote, but because of the importance of the issue
8 we may ask that a full presentation be made at the Board
9 meeting. That will be dependent on what the Board
10 members want to do, so just don't get nervous, it's just
11 sometimes we need to do that.

12 Mr. Schiavo.

13 MR. SCHIAVO: Yes.

14 COMMITTEE CHAIR JONES: I would -- oh, one
15 other thing. When you call the committee agenda number,
16 would you also give the Board agenda number --

17 MR. SCHIAVO: Sure.

18 COMMITTEE CHAIR JONES: -- if you have it?
19 Because depending upon how our offices put these
20 together it can be a little distracting.

21 MR. SCHIAVO: Okay. Well, good morning
22 committee members. I'm Pat Schiavo of the Diversion,
23 Planning and Local Assistance Division, and I'd like to
24 first go over some upcoming activities and status of
25 some of our programs.

1 Yes, Mr. Jones?

2 COMMITTEE CHAIR JONES: Thanks, Mr. Schiavo,
3 I made a mistake.

4 I will ask the members if they have any
5 ex-partes.

6 Mr. Medina.

7 COMMITTEE MEMBER MEDINA: Not at this time.

8 COMMITTEE CHAIR JONES: Chair Moulton-
9 Patterson.

10 COMMITTEE MEMBER MOULTON-PATTERSON: I'm up to
11 date except I did have a meeting prior to this with
12 Congressman Pete McCulsky.

13 COMMITTEE CHAIR JONES: Thank you. And I
14 spoke briefly with John Cupps and several of you, Eugene
15 Tseng, Ann Tabenay. Thank you, I apologize, I forgot to
16 get that done.

17 COMMITTEE MEMBER MOULTON-PATTERSON: It's easy
18 to do.

19 MR. SCHIAVO: I'll start out with some of the
20 status reports.

21 Status of the biennial reviews, after today
22 we'll have heard 79 biennial reviews, and these are
23 jurisdictions that have either met or exceeded 50
24 percent diversion and are doing a pretty good job of
25 Implementing the programs. We anticipate there will be

1 about a hundred jurisdictions in this particular
2 category.

3 There will be about another hundred
4 jurisdictions that earned their way in completing new
5 base years, and we won't know the status of those until
6 the base years are completed, but they did acknowledge
7 that there's issues with their base years.

8 We anticipate a couple of hundred SB 1066
9 petitions that will be coming forward, and in addition
10 there's up to a hundred jurisdictions that have the
11 potential for being considered for good faith effort,
12 and once a determination is made they can end up in
13 different categories as well.

14 I will speak louder. I'll start shouting.

15 Regarding AB 75, April 1st was the deadline
16 for submittal of the first annual reports -- you're so
17 close it makes me want to talk lower -- as required by
18 statute. And to date there's 292 agencies that have
19 submitted their reports. So we're having a lot of
20 success there already.

21 Another eighty appear to be completing their
22 reports.

23 And then there's 64 who do not seem to be
24 making progress at this time. Most of those 64 seem to
25 be comprised of the college system, so we'll be working

1 with them more to try to get them on board.

2 Implementation of SB 22 report recommendations
3 are underway, and later today you'll be hearing a report
4 regarding diversion rate accuracy indicators.

5 In the future two sets of regulations will be
6 promulgated, these are for disposal reporting and rural
7 program regulations.

8 Regarding our disposal reporting system, we've
9 just completed our latest quarterly reports, our audits,
10 and we found that there is an 81 percent compliance rate
11 with these audits which is higher than the 62 percent we
12 found last quarter.

13 I mean, this isn't scientific information,
14 it's surveys of some of the Bay Area sites, and they may
15 not be the same site so, but it's an indicator. It
16 seems that things are improving in that regard.

17 School diversion efforts are also successfully
18 moving forward. On April 19th there will be a press
19 event regarding SB 373 at the City of Concord. And it's
20 anticipated that in attendance will be Linda
21 Moulton-Patterson, Secretary Hickox, as well as the
22 author of the bill. And immediately following the press
23 event we're going to be having a roundtable with the
24 school district personnel in the area, local
25 jurisdictions, as well as staff from the Board. So

1 that's going pretty well.

2 Recently staff completed resource guide,
3 "Tools For Schools," it's been placed on the Board's
4 website. And this site contains resource information
5 for districts as well as local government officials that
6 will be working with school districts to implement their
7 programs. So we're real proud of that effort.

8 We're pleased to announce also that we'll be
9 hosting two sites for an upcoming video conference
10 sponsored by U.S. EPA that's going to be taking place on
11 May 1st. And the title of the conference will be,
12 "Communities, Setting Trends in Waste Prevention and
13 Recycling."

14 We are setting up two different sites; one
15 will be at CSUS Sacramento in Northern California, and
16 the other will be at Long Beach State in Southern
17 California. The time for the event will be ten to
18 twelve for the video conference itself. But before the
19 video conference we want to set up a live panel to have
20 a discussion beforehand.

21 So you'll be hearing more information about
22 that in the near future as we get the panel, final
23 panels assembled, and you'll hear that information, like
24 I said.

25 At this Board meeting we'll be presenting two

1 informative presentations. One will be a report
2 regarding a contract scope of work titled, "The Study of
3 Minority Communities and the Waste Stream," and another
4 will be a feature regarding successful implementation of
5 the food scrap program featuring Indian Wells. We'll
6 have a real nice two or three minute video as well as
7 representatives from Indian Wells making the
8 presentation, they're real proud of the effort and they
9 should be, it's going great.

10 One last item I'd like to inform you about is
11 that we had a conference call with L.A. County
12 representatives regarding CIWMP enforcement, part two.
13 And there's interest in them to add some additional
14 language regarding numbers in the good faith criteria.
15 And we told them we'd be open to that and we'd bring
16 that forward to you at this briefing so that you would
17 have that information.

18 They, late last week they submitted some draft
19 suggestions for language to add into the CIWMP
20 enforcement. We'll be taking a look at that, and we'll
21 move forward with an agenda item if you would like us to
22 do so in the near future.

23 And that concludes my presentation. Are there
24 any questions or any other comments?

25 COMMITTEE CHAIR JONES: Any questions from the

1 members?

2 I have one question. The suggestion on the
3 CIWMP issue when you talk about numbers and programs, is
4 this 1939 revisited or --

5 MR. SCHIAVO: The draft language, we saw part
6 of it, seemed to infer some of 1939. When we had the
7 telephone conversation the intent was to just lay out
8 more specifics regarding good faith effort and how the
9 numbers come into play if there's issues with numbers
10 regarding good faith effort. And so that's what our
11 focus is since that's what I believe the intent of the
12 phone call originally was.

13 And again this is, and the representative did
14 say that, yeah, I'm sure we'll be going back and forth
15 and you won't like some of what I presented to you,
16 so --

17 COMMITTEE CHAIR JONES: So maybe when you
18 flesh this out a little more you can let us know and
19 then we'll determine how it comes to committee.

20 MR. SCHIAVO: Yeah, we'll bring it forward
21 next month at our suggestion before we even --

22 COMMITTEE CHAIR JONES: Well work to figure
23 out where it's at first.

24 MR. SCHIAVO: Okay.

25 COMMITTEE CHAIR JONES: All right.

1 MR. SCHIAVO: All right.

2 COMMITTEE CHAIR JONES: Does that work for the
3 members?

4 COMMITTEE MEMBER MOULTON-PATTERSON: Yes.

5 MR. SCHIAVO: Regarding the agenda itself.

6 COMMITTEE CHAIR JONES: Yes.

7 MR. SCHIAVO: I was thinking in the interest,
8 because of the number of people here, that with the
9 committee agenda, I just want to focus on that, that if
10 we could move items three, four, five, and six to later
11 in the discussion, maybe following the item number 53,
12 and focus on items seven, eight, and nine, we could
13 probably impact quite a few people that are in this room
14 potentially. Just a suggestion.

15 COMMITTEE CHAIR JONES: Okay. Go ahead and
16 move three, four, five, and six.

17 So you're going to start with number seven?

18 MR. SCHIAVO: Number seven which would be
19 number 39.

20 COMMITTEE CHAIR JONES: 39.

21 MR. SCHIAVO: Okay.

22 COMMITTEE CHAIR JONES: And Catherine will be
23 making this presentation.

24 MS. CARDOZO: Good morning, Chair Jones and
25 committee members.

1 Today's committee agenda item number seven is
2 number 39 on the Board agenda. And it's a discussion to
3 apprise you of the jurisdictions that have not yet
4 completed their 2000 annual report submittal.

5 As you know, the Board has already begun the
6 '99-2000 biennial review process, which is based in
7 large part on jurisdiction's 1999-2000 annual report.
8 Without this information, Board staff is not able to
9 make a recommendation to the Board that a jurisdiction
10 has made a good faith effort to implement diversion
11 programs to achieve the 2000 diversion mandate of 50
12 percent.

13 Senate Bill 2000, 2202, excuse me, made
14 several amendments to the sections in the Public
15 Resources Code related to annual reports, and the
16 biennial review process that Board staff now follows to
17 ensure the timely review and processing of annual
18 reports and biennial reviews.

19 These include:

20 One, reviewing a jurisdiction's annual report
21 within 120 days of receipt, and informing the
22 jurisdiction of any missing information or documentation
23 necessary for a complete evaluation.

24 Two, conferring with the jurisdiction not less
25 than 60 days before issuing a notice of the Board's

1 intent to issue the jurisdiction a compliance order for
2 failure to implement its source reduction and recycling
3 element.

4 And three, issuing a jurisdiction notice of
5 intent to issue a compliance order not less than thirty
6 days prior to the public meeting where the Board will
7 consider issuing the order.

8 Annual reports for 2000 were due to the Board
9 last September 1, 2001. Board staff notified
10 jurisdictions within the 120 day preliminary review
11 period as to the additional information needed to
12 complete the review. For example, an annual report, a
13 1066 application, a new base year certification, or a
14 reporting year disposal modification claim.

15 These jurisdictions were given additional time
16 to submit the missing documentation. Despite this
17 additional time, many jurisdictions still had not
18 submitted the documentation by February 1, so they were
19 notified via telephone call that staff will begin the 60
20 day conferring period as outlined in statute.

21 They were also were notified at that time that
22 a thirty day letter of intent to issue a compliance
23 order could follow if the missing documentation was not
24 submitted.

25 As a result of the phone calls, many

1 jurisdictions have since submitted the documentation
2 requested or have notified staff of their intent to meet
3 the 60 day deadline.

4 As of this morning, 18 jurisdictions still
5 have missing information and will be sent thirty day
6 notices of intent if they have not submitted the
7 documentation within the 60 day period.

8 Staff plans to bring forward to the Board
9 compliance orders in May and June should any of these
10 jurisdictions not submit their information within the
11 thirty day notice of intent period.

12 Attachment one is a list of those
13 jurisdictions that currently have missing documentation.
14 And I believe there's some that have strikeouts and that
15 indicates the documentation has now been received. And
16 it may not be struck out now, but it will be next week
17 for the Board meeting.

18 And I can tell you that La Puente has come in,
19 Fortuna has come in, Redondo Beach and Santa Clarita,
20 you can strike all those out.

21 And for Avalon, that's the second one down,
22 the third item of missing documentation, status reports
23 on MRF construction, has been submitted.

24 That concludes my presentation. Are there any
25 questions?

1 COMMITTEE CHAIR JONES: Any questions from the
2 members?

3 COMMITTEE MEMBER MEDINA: No.

4 COMMITTEE CHAIR JONES: Just one question.
5 You're talking about if they don't send it in you're
6 going to send them a compliance order. Is there a --

7 MS. CARDOZO: An intent that we will hear
8 that.

9 COMMITTEE CHAIR JONES: That there will be a
10 hearing?

11 MS. CARDOZO: Yes.

12 COMMITTEE CHAIR JONES: An intent to hear
13 that. I just wanted to make sure.

14 MS. CARDOZO: And in that letter we'll be
15 telling them that if you get it to us before the Board
16 meeting we can pull that.

17 COMMITTEE CHAIR JONES: All right.

18 MS. CARDOZO: But by statute we have to give
19 them thirty days.

20 COMMITTEE CHAIR JONES: Right. Okay. All
21 right. Are there -- anybody that needs to speak on
22 these items you need to fill out a form. I don't have
23 any speaker slips so I'm assuming nobody is going to
24 speak to this issue.

25 And then, could you reflect that Mr. Eaton is

1 here?

2 BOARD SECRETARY VILLA: Yes.

3 COMMITTEE CHAIR JONES: Mr. Eaton, do you have
4 any ex-parte?

5 COMMITTEE MEMBER EATON: No, I'm up to date,
6 thank you.

7 COMMITTEE CHAIR JONES: Great. Thanks. All
8 right.

9 Next item.

10 MR. SCHIAVO: Okay. Item number 40 is
11 consideration of the 1999-2000 biennial review findings
12 for the source reduction and recycling elements and
13 household hazardous waste elements for a number of
14 jurisdictions.

15 And Steve Sorelle will be making -- or Tabetha
16 Willmon or somebody.

17 MR. SORELLE: Both.

18 MS. WILLMON: Steve.

19 MR. SCHIAVO: Both will be making this
20 presentation.

21 MS. WILLMON: Actually, yeah, what I would
22 like to do is just point out some last minute changes
23 that we have. They're updates to the Paris codes.

24 COMMITTEE MEMBER MOULTON-PATTERSON: What
25 number is this? Excuse me, I'm sorry. Did you say

1 number 40?

2 MR. SCHIAVO: Oh, item number 40 for the
3 regular agenda, for the Board agenda, and item number
4 eight for the committee agenda.

5 COMMITTEE MEMBER MOULTON-PATTERSON: I'm
6 sorry.

7 MS. WILLMON: And I'm going to reference the
8 item number for the Board meeting because I don't know
9 how you have them laid out in your --

10 MR. SCHIAVO: Item number eight in the
11 committee.

12 COMMITTEE MEMBER MOULTON-PATTERSON: Number
13 eight.

14 MS. WILLMON: So I think the revisions are
15 being handed out right now. I have some revisions to
16 agenda item number 40. They are on pages 6, 7, 9, 10,
17 12, 40, 43 and 47.

18 And then on agenda item 41 it is page 41-48
19 has a revision on it also.

20 MR. SORELLE: Okay. Good morning, committee
21 members. My name is Steve Sorelle. I'm with the Office
22 of Local Assistance.

23 I will be presenting items 40 and 41, or eight
24 and nine on the committee numbering system, Board staff
25 biennial review findings for the '99-2000 biennial

1 review period.

2 AB 939 requires the Board to conduct a review
3 at least every two years of each jurisdiction's progress
4 in meeting the mandated diversion requirements.

5 The 25 jurisdictions listed in these two
6 streamlined agenda items are the third group that the
7 Board staff plan to present in the streamlined format.

8 Staff have conducted their biennial review and
9 found that these jurisdictions have achieved a 2000
10 diversion rate of at least 50 percent and are adequately
11 implementing source reduction, recycling, composting,
12 and public education information programs as outlined in
13 their source reduction and recycling elements.

14 Upon review, staff analysis indicates that
15 five of the 25 jurisdictions in these items showed
16 greater than five percent change from 1999 to 2000.
17 Details of these five jurisdictions can be found in
18 attachment two in both items.

19 Most of these jurisdictions are small, and it
20 is important to note that their diversion rates can be
21 impacted by the slightest fluctuation in any one of the
22 factors that most affect major mid-year calculations,
23 which are disposal, population, employment, and taxable
24 sales.

25 While taking this into consideration as part

1 of the biennial review, Board staff conducted site
2 visits and verified that each jurisdiction's diversion
3 program implementation is solid in its foundation and
4 effectiveness, which is the basis for the staff's
5 recommendation in these two items.

6 Agenda item 40, or number eight, lists those
7 jurisdictions for which staff is recommending approval
8 for the '99-2000 biennial review.

9 Should the Board not accept staff
10 recommendations, these jurisdictions have reserved the
11 right in their 2000 annual reports to submit an SB 1066
12 time extension.

13 Agenda item 41, or nine, lists those
14 jurisdictions for which staff is also recommending
15 approval for the '99-2000 biennial review.

16 However, should the Board not accept staff
17 recommendations, these jurisdictions did not elect to
18 reserve the right in their 2000 annual report to submit
19 an SB 1066 extension request which gives the Board an
20 alternative set of options as outlined in the agenda
21 item.

22 This concludes my presentation. Both Board
23 staff and representatives from the jurisdictions are
24 available to answer any questions.

25 Thank you.

1 COMMITTEE MEMBER MEDINA: You mentioned the
2 five jurisdictions, can you read those, can you let us
3 know what those five jurisdictions are, please?

4 MR. SORELLE: They are, on item 40 it's Los
5 Altos Hills, Los Gatos, Monte Sereno, Woodlake.

6 On item 41 it's Trinity Unincorporated.

7 COMMITTEE CHAIR JONES: Trinity actually went
8 down.

9 MR. SORELLE: Yeah, they had a drop of six
10 percentage points.

11 COMMITTEE CHAIR JONES: Any questions,
12 members, on this issue?

13 Can I have a motion to adopt Resolution
14 2002-187?

15 I'll make the motion. Is there a second?

16 COMMITTEE MEMBER MEDINA: Second.

17 COMMITTEE CHAIR JONES: Got a motion by Jones,
18 a second by Mr. Medina to adopt Resolution 2002-187
19 which is the consideration of the biennial review
20 findings for the SRRE and the HHWE for Alameda and
21 Alameda County Unincorporated -- no, I'm sorry, Newark,
22 Piedmont;

23 In Contra Costa County, San Ramon;

24 In Orange County, Cypress and Westminster;

25 In Riverside County, Coachella;

1 San Diego County, Encinitas;

2 Santa Clara County, Los Altos Hills, Los

3 Gatos, Monte Sereno;

4 And in Tulare, Woodlake.

5 Would you call for the roll?

6 COMMITTEE SECRETARY BAKULICH: Eaton?

7 COMMITTEE MEMBER EATON: Aye.

8 COMMITTEE SECRETARY BAKULICH: Medina?

9 COMMITTEE MEMBER MEDINA: Aye.

10 COMMITTEE SECRETARY BAKULICH: Jones?

11 COMMITTEE CHAIR JONES: Aye. Leave the roll

12 open for Chairwoman Moulton-Patterson and we'll record
13 that vote.

14 Number 41, which would be number nine. Would
15 a member make a motion on that resolution?

16 COMMITTEE MEMBER MEDINA: Yes, I'd like to
17 move Resolution 2002-188.

18 COMMITTEE CHAIR JONES: I'll second.

19 COMMITTEE MEMBER MEDINA: Consideration of the
20 1999-2000 biennial review findings for the source
21 reduction and recycling element and household hazardous
22 waste element for the following jurisdictions:

23 Fresno County, Fowler;

24 Orange County, Fullerton, Garden Grove,

25 Placentia, Villa Park, Yorba Linda;

1 Santa Barbara County, Buellton, Carpinteria,
2 Lompoc, Santa Maria;
3 Santa Clara County, Saratoga;
4 Trinity County, Trinity County Unincorporated.
5 COMMITTEE CHAIR JONES: Could you call the
6 roll?
7 COMMITTEE SECRETARY BAKULICH: Eaton?
8 COMMITTEE MEMBER EATON: Aye.
9 COMMITTEE SECRETARY BAKULICH: Medina?
10 COMMITTEE MEMBER MEDINA: Aye.
11 COMMITTEE SECRETARY BAKULICH: Jones?
12 COMMITTEE CHAIR JONES: Aye. Again, could
13 you hold the vote open. If both of those are
14 affirmative we'll suggest this for the consent
15 calendar.
16 Is that good with the members?
17 COMMITTEE MEMBER MEDINA: Yes.
18 COMMITTEE CHAIR JONES: It's okay if she votes
19 yeah, consent?
20 COMMITTEE MEMBER EATON: Yes.
21 COMMITTEE CHAIR JONES: Okay. On item nine.
22 Okay. We do have a speaker on item nine, Claudia Stine,
23 I'm hoping.
24 MS. STINE: Hello, I'm Claudia Stine from the
25 City of Lompoc, and I'd like to thank you for your

1 recommendation to approve our SRRE and our hazardous
2 household waste element today.

3 What our question is, several of us under that
4 item number nine are, you know, traveled from Santa
5 Maria, Lompoc, Carpinteria, and we're wondering if you
6 would recommend that we need to come back for the
7 meeting next week?

8 COMMITTEE CHAIR JONES: I doubt it. As soon
9 as Chairwoman Linda Moulton-Patterson comes back we'll
10 record her vote. If it's a four 0 vote we're going to
11 suggest it for consent, and I see another nod from
12 another member, so I think that that's probably pretty
13 reliable that you will not have to spend money again.

14 MS. STINE: Okay. Thank you very much.

15 COMMITTEE CHAIR JONES: Although we did want
16 to read your names into the record because it is
17 critical, and Mr. Medina and I and Mr. Eaton and all the
18 members, it's critical that you made it, and we
19 congratulate you. And you can bring that back to your
20 cities.

21 MS. STINE: Thank you.

22 COMMITTEE CHAIR JONES: Okay. Mr. Schiavo.

23 MR. SCHIAVO: Okay. Item number ten in your
24 committee packet.

25 COMMITTEE CHAIR JONES: Yeah. Jeannine, could

1 you call for the vote on item 40?

2 BOARD SECRETARY VILLA: Moulton-Patterson?

3 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

4 COMMITTEE CHAIR JONES: And could you call for
5 the vote on item 41?

6 BOARD SECRETARY VILLA: Moulton-Patterson?

7 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

8 COMMITTEE CHAIR JONES: We're going to
9 recommend that that go on consent. Thank you.

10 All right, it is going to go on consent at the
11 Board meeting.

12 Mr. Schiavo.

13 MR. SCHIAVO: And then item number ten in your
14 committee packet or 42 in the Board packet is
15 consideration of the 1999-2000 biennial review findings
16 for the source reduction and recycling element and
17 household hazardous waste element for the City of
18 Beverly Hills.

19 And Steve Uselton will be making this
20 presentation.

21 MR. USELTON: Good morning, members of the
22 Board.

23 The Integrated Waste Management Act requires a
24 biennial review of each jurisdiction's progress in
25 meeting the diversion goals and an analysis of SRRE

1 selected program implementation.

2 The item before you is staff's analysis of the
3 City of Beverly Hills' progress in achieving diversion
4 goals, and the city's effort to implement programs
5 described in their SRRE for suitable alternatives.

6 Using the Board approved procedures described
7 in the CIWMP enforcement policy two for determining the
8 adequacy of SRRE implementation and the diversion rate
9 as an indicator, staff brings this item forward as the
10 city that is implementing some or all SRRE selected
11 programs, but not, but is not meeting the diversion
12 goals.

13 To determine the level of SRRE implementation,
14 staff reviewed the adjustment method diversion rate
15 calculation for '99 and 2000 after correction for a
16 misallocated disposal, and found a 48 percent and 47
17 percent diversion rate respectively.

18 Historic diversion trends were also looked at,
19 and we found that the city has been at or near 50
20 percent in each of the last four years.

21 The 2000 annual report was reviewed; also a
22 review of the program implementation that is documented
23 in Paris was looked at; and staff did a verification
24 site visit.

25 From the staff findings, one of the suitable

1 alternatives have been implemented for any dropped or
2 not implemented programs. Details of staff analysis of
3 the dropped or not implemented programs is provided in
4 attachment two of this item.

5 Also, staff looked at major program efforts
6 that the city has implemented in order to achieve the
7 current diversion rate. This includes commingled
8 recycling collection at the curbside --

9 COMMITTEE CHAIR JONES: Hang on for a second,
10 Steve.

11 MR. USELTON: Yes, sure.

12 COMMITTEE CHAIR JONES: All right.

13 MR. USELTON: The program did include a broad
14 mix of materials that were targeted.

15 The staff also found that the city is
16 implementing a curbside green waste collection program.

17

18 The city has focused on commercial on-site
19 collection programs, including redundancy and
20 infrastructure to encourage participation.

21 There is a C&D ordinance, an infrastructure
22 that is provided for in the city.

23 City tree trimmings are used for mulch on city
24 grounds.

25 Schools are participating in a recycling

1 program.

2 And the city has implemented a procurement
3 program which includes the purchase of all paper
4 products made from recycled content.

5 Staff's overall analysis of the SRRE and
6 household hazardous waste element implementation
7 indicates that the city has made all reasonable and
8 feasible efforts to implement its selected programs.

9 Staff recommends that the Board find that the
10 city has made a good faith effort in meeting its
11 diversion requirements.

12 The jurisdiction has reserved the right to
13 submit a time extension depending on the Board's
14 determination.

15 Representatives of the city are present here
16 today and can provide additional details on many of the
17 programs that are currently being implemented.

18 That would conclude my presentation.

19 COMMITTEE CHAIR JONES: Go ahead.

20 COMMITTEE MEMBER MOULTON-PATTERSON: Just a
21 detail. Is this correct, 300 gallon container on
22 attachment two?

23 MR. USELTON: That doesn't sound correct.

24 COMMITTEE MEMBER MOULTON-PATTERSON: That
25 sounds big.

1 MR. USELTON: Which page is that?

2 COMMITTEE MEMBER MOULTON-PATTERSON: It's
3 attachment two, table three. The first program
4 description.

5 MR. USELTON: Well I would say it's not a 300
6 gallon container.

7 MR. GARCIA: It is.

8 MR. USELTON: Oh, it is?

9 MR. GARCIA: 300 and 350 gallon containers.
10 John Garcia.

11 COMMITTEE MEMBER MOULTON-PATTERSON: Are they
12 manually lifted or --

13 MR. GARCIA: Yes, they are.

14 COMMITTEE MEMBER MOULTON-PATTERSON: You've
15 got some strong people there.

16 MR. GARCIA: That's for our alleys. The
17 curbsides are done with 95 and 100 gallon containers.

18 COMMITTEE MEMBER MOULTON-PATTERSON: Okay.
19 Thank you.

20 COMMITTEE CHAIR JONES: One question. The
21 pounds per day per citizen is 19 pounds per day.

22 MR. USELTON: That's the generation tonnage
23 city-wide, includes both residential and commercial. It
24 does seem high.

25 One of the things that we looked at is this is

1 a city that does receive a lot of tourism.

2 COMMITTEE CHAIR JONES: Right.

3 MR. USELTON: And if you look at the
4 commercial activity, it's a little higher than what's
5 produced from the residential side.

6 COMMITTEE CHAIR JONES: Okay. Any other
7 questions?

8 Mr. Medina.

9 COMMITTEE MEMBER MEDINA: I just want to move
10 the resolution at this point if there's no further
11 questions.

12 COMMITTEE CHAIR JONES: By all means.

13 COMMITTEE MEMBER MOULTON-PATTERSON: I'll
14 second it.

15 COMMITTEE MEMBER MEDINA: I'd like to move
16 Resolution 2002-189, consideration of the 1999-2000
17 biennial review findings for the source reduction and
18 recycling element of the household hazardous waste
19 element for the City of Beverly Hills, County of Los
20 Angeles.

21 COMMITTEE MEMBER MOULTON-PATTERSON: I second
22 it.

23 COMMITTEE CHAIR JONES: Right. Okay, we have
24 a motion by Mr. Medina, a second by Chairwoman
25 Moulton-Patterson.

1 Call the roll.

2 COMMITTEE SECRETARY BAKULICH: Eaton?

3 COMMITTEE MEMBER EATON: Aye.

4 COMMITTEE SECRETARY BAKULICH: Moulton-

5 Patterson?

6 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

7 COMMITTEE SECRETARY BAKULICH: Medina?

8 COMMITTEE MEMBER MEDINA: Aye.

9 COMMITTEE SECRETARY BAKULICH: Jones?

10 COMMITTEE CHAIR JONES: Aye. We will place
11 this on consent, okay?

12 Thank you.

13 MR. SCHIAVO: Now the next item is number 11,
14 and actually I'd like to have that in the committee
15 packet, I'd like to have that heard after item 25
16 because they're joined. Item number 25 is a base year
17 related to item number 11. And that would be item 43 in
18 your Board packet, and it relates again back to item
19 number, I think it's 57 in the Board packet.

20 COMMITTEE CHAIR JONES: Okay. We're going to
21 hear them before those last reports that you talked
22 about, right?

23 MR. SCHIAVO: Yeah. And then items in your
24 committee packet, items 12, 13, 14, and 15 are all
25 related in the sense of they're, those are 44, 45, 46,

1 and 47 in your Board packet, and those are SB 1066
2 petitions in which they are submittals that staff did
3 not approve and recommend disapproval, and have the
4 jurisdictions resubmit them with more information.

5 And the first one, item twelve is a time
6 extension by the City of --

7 COMMITTEE CHAIR JONES: Hang on just half a
8 second.

9 MR. SCHIAVO: Okay.

10 COMMITTEE CHAIR JONES: Because this room is
11 hard to hear in for a lot of people.

12 Items that are coming up that had requested an
13 SB 1066 but staff has rejected it for not enough
14 information, that's the next four --

15 MR. SCHIAVO: Right, that's the next four
16 items.

17 COMMITTEE CHAIR JONES: Or has suggested.

18 MR. SCHIAVO: Has suggested for the next four
19 items.

20 COMMITTEE CHAIR JONES: Okay. And that is
21 item number?

22 MR. SCHIAVO: That's 12, 13, 14, and 15 in the
23 committee packet, and 44, 45, 46, and 47 in your Board
24 packet.

25 COMMITTEE CHAIR JONES: Thank you.

1 COMMITTEE MEMBER MOULTON-PATTERSON: What are
2 they requesting?

3 COMMITTEE CHAIR JONES: They requested an
4 extension and staff is saying no, send 'em back.

5 COMMITTEE MEMBER EATON: On 12, 13, 14, and
6 15?

7 MR. SCHIAVO: Yes.

8 COMMITTEE CHAIR JONES: Staff didn't feel --

9 COMMITTEE MEMBER EATON: So are those off
10 calendar?

11 MR. SCHIAVO: No, no, they're going to be
12 heard.

13 COMMITTEE CHAIR JONES: We're going to hear
14 them, but the recommendation of staff is not to do them.

15 MR. SCHIAVO: And the very first item is a
16 time extension by the City of Calimesa in Riverside
17 County.

18 And Melissa Vargas will be making that
19 presentation -- or Steve Sorelle will be making that
20 presentation. Keep switching on me!

21 MS. VARGAS: Sorry.

22 MR. SORELLE: Good morning again, committee
23 members. My name is Steve Sorelle with the Office of
24 Local Assistance.

25 This agenda item, which is 44 or 12 on the

1 committee listing, is presenting the City of Calimesa,
2 Riverside County request for an SB 1066 time extension.

3 The City of Calimesa submitted an SB 1066
4 request for a time extension, and staff from the Board's
5 Office of Local Assistance has reviewed the item.

6 A review of the item included an analysis of
7 the application, a review of the city's diversion
8 program development, and discussions with
9 representatives of the city, and the Western Riverside
10 Council of Governments.

11 The city has built into their request of an
12 existing diversion rate of 37 percent. They have
13 identified new and expanded programs, which you can see
14 on page four and five within your agenda item, that they
15 feel will provide sufficient diversion to reach the
16 mandated 50 percent rate required by AB 939.

17 In addition, the application broached the
18 subjects of program barriers, page five, that interfered
19 with their abilities to reach the diversion goal by the
20 year 2000 and their purported good faith efforts in
21 program development based on SRRE-selected programs as
22 well as alternative programs.

23 Unfortunately, staff found the applications to
24 have insufficient detail to fully determine barriers to
25 current program success, whether or not the city made a

1 good faith effort, which they cover on page three, or in
2 the agenda item which we analyzed, to implement
3 diversion programs.

4 In addition, the application did not provide
5 sufficient program description, and it had other
6 omissions that made it impossible for staff to recommend
7 Board approval of the extension application.

8 Staff has discussed these limitations with
9 representatives of the city and the Western Riverside
10 Council of Governments, and they agreed that the
11 documentation as it is currently written is insufficient
12 for the Board to judge the efficacy of the request.

13 Therefore, Board staff is recommending that
14 the city be given an additional thirty days to revise
15 the application and submit it for presentation to the
16 Board at a later date.

17 Representatives from the Western Riverside
18 Council are here to answer any questions.

19 This concludes my presentation. Thank you.

20 COMMITTEE CHAIR JONES: Are there any
21 questions of the members?

22 COMMITTEE MEMBER EATON: Is this going to be a
23 request for the following, the same request for 40 --
24 well, committee packet 12, 13, 14, 15 the same?

25 MR. SORELLE: Yes.

1 COMMITTEE MEMBER EATON: And you want to ask
2 for thirty days, correct?

3 MR. SORELLE: Correct, yes.

4 COMMITTEE MEMBER EATON: So if you ask for a
5 thirty day extension, does that mean then they're going
6 to be calendared for June or July?

7 COMMITTEE CHAIR JONES: July.

8 COMMITTEE MEMBER EATON: What I'd rather be
9 able to do with these so that we get a look at them as
10 we move through them, is let's give the extension and
11 say that the date certain that they're going to hear
12 them as a committee and what month they are and what
13 have you rather than do thirty days and they don't get
14 the information in and you have to come back and, you
15 know, get an extension.

16 Let's just try and figure out when it's going
17 to be heard, the extension will be to such date.

18 COMMITTEE CHAIR JONES: Well we'll hear 'em in
19 July.

20 COMMITTEE MEMBER EATON: And then we'll hear
21 'em as a committee and we don't have to worry about --

22 COMMITTEE CHAIR JONES: Them needing 35 days.

23 COMMITTEE MEMBER EATON: 35 days because their
24 consultant was out sick and had to take care of like,
25 you know, the organics problem due to something else,

1 you know.

2 Let's just say that on such and such a date
3 we're going to hear these four and they have their stuff
4 together.

5 I mean I just think it's ridiculous.

6 COMMITTEE CHAIR JONES: I think that's a good
7 suggestion. Are you comfortable with that?

8 COMMITTEE MEMBER MEDINA: Yes.

9 COMMITTEE CHAIR JONES: Okay. Is that a
10 motion that we hear it in July?

11 COMMITTEE MEMBER EATON: Whenever. I mean
12 when do you really feel these four, based on your
13 initial conversations, cause each of the jurisdictions
14 will have some differences as to how they gather their
15 material based upon, you know, where they are in the
16 scheme of things, I mean what's, you know, a reasonable
17 amount of time for them to be able to get you the
18 information and have the dialogue back and forth?

19 MR. SCHIAVO: I think July would make the most
20 sense.

21 COMMITTEE MEMBER EATON: Where are we in
22 July?

23 COMMITTEE MEMBER MOULTON-PATTERSON: We're
24 here.

25 COMMITTEE MEMBER EATON: Because they know

1 we're traveling.

2 MR. SCHIAVO: In June we're in Oxnard, yeah.

3 COMMITTEE MEMBER EATON: We're traveling in
4 June.

5 MS. WILLMON: With the Board's agenda schedule
6 I think we would have to go with July. And we've been
7 working with RCOG already, so we think thirty days for
8 them to resubmit is ample time, from today's date.

9 MR. SCHIAVO: And then we have our
10 discussions, but July is a good suggestion.

11 COMMITTEE CHAIR JONES: We have a question
12 from --

13 COMMITTEE MEMBER MOULTON-PATTERSON: Just a
14 quick question. On 44-10, it says that they expected
15 the MRF to be operational by October, 2001. Is it up
16 and running yet?

17 MR. SORELLE: We have a representative from
18 the regional council here.

19 MS. SPIRE: Yes, I am Barbara Spire with
20 WRCOG. The MRF is operational and it has been since
21 about '99, but the waste going to the MRF from Calimesa
22 has occurred since October.

23 COMMITTEE MEMBER MOULTON-PATTERSON: So it is
24 up and running?

25 MS. SPIRE: Yes.

1 COMMITTEE CHAIR JONES: Do I hear a motion?

2 Mr. -- Elliot, did you have a question?

3 LEGAL COUNSEL BLOCK: Maybe just some
4 clarification because the staff recommendation, among
5 the six options that are there, is to disapprove the
6 application but then give additional time for
7 resubmittal.

8 And I'm wondering, one of the other options is
9 to simply not actually take action and put it over and
10 give the jurisdiction additional time.

11 So I'm not saying it should be one way or the
12 other, but I wanted to make sure you were clear that if
13 the option four was taken, these could actually just be
14 taken care of today, it wouldn't actually necessarily
15 need to be heard by the Board.

16 In other words, this is the, Mark had talked
17 earlier about holding items in committee versus having
18 to go to the Board and officially disapprove it with all
19 six members weighing in.

20 I just wanted to make sure that you were, that
21 you had that choice before you as to which way you
22 wanted to do that.

23 COMMITTEE CHAIR JONES: What's the pleasure of
24 the members?

25 These are the first 1066 applications that

1 have come forward that have been, that aren't ready, you
2 know, for us to vote on.

3 MR. SCHIAVO: Right.

4 COMMITTEE CHAIR JONES: I think it's important
5 that people understand that there's a standard. Because
6 that form is a tool for people to use to really look at
7 their programs and see where they have to concentrate
8 their efforts.

9 MR. SCHIAVO: Right.

10 COMMITTEE CHAIR JONES: I think I'd prefer
11 that we did the agenda item as proposed, only because,
12 not to slap a city because I don't think this is a slap,
13 but I think what it does is it says that there is a
14 threshold that has to be met, and it needs to be met.

15 LEGAL COUNSEL BLOCK: And I was not suggesting
16 one way or the other, I just wanted to make sure that
17 was clear. Because I think the phrase the jurisdiction
18 submitting additional information thirty days from today
19 was mentioned so --

20 COMMITTEE CHAIR JONES: Gotcha.

21 COMMITTEE MEMBER EATON: So the correct way if
22 we wanted to take it up as an agenda item is that we
23 would disapprove?

24 LEGAL COUNSEL BLOCK: Right. The resolutions
25 are to disapprove but give additional time.

1 COMMITTEE MEMBER EATON: And then require, at
2 whatever date we decide in committee, to resubmit. And
3 then that would go to the full Board next week, is that
4 correct?

5 LEGAL COUNSEL BLOCK: Yes.

6 COMMITTEE MEMBER EATON: Or does it have to go
7 to the full Board?

8 LEGAL COUNSEL BLOCK: Well that's, if you were
9 doing the disapproval, that would have to go to the full
10 Board.

11 COMMITTEE MEMBER EATON: Okay.

12 LEGAL COUNSEL BLOCK: And then I'm noticing
13 that we will end up revising the resolutions before next
14 week because right now they reference thirty days. So
15 we'll revise the resolutions.

16 COMMITTEE CHAIR JONES: All right. Do I have
17 a motion?

18 COMMITTEE MEMBER EATON: Yes, you do as soon
19 as I get the -- I'm just trying to go through.

20 I would move that we revise Resolution
21 2002-191 to reflect that in the "Now therefore be it
22 resolved" clause, that instead of, and strike the words
23 "within thirty days," or is that something you still
24 want?

25 MR. SCHIAVO: I think we'd still like to have

1 that there.

2 COMMITTEE CHAIR JONES: Just to have it.

3 COMMITTEE MEMBER EATON: Okay. So, and then
4 what we'll do is we'll keep the resolution as is, but
5 we'll revise it as to when it will be heard by the
6 Board, is that correct?

7 LEGAL COUNSEL BLOCK: Yes.

8 COMMITTEE MEMBER EATON: Okay. So I would
9 move that we adopt Resolution 2002-191 and revise it in
10 the "Therefore be it resolved" clause by adding, after
11 the phrase of the last sentence in that clause,
12 "Application to the Board within thirty days." And that
13 such hearing on the extension will take place during the
14 July proceedings of this Board.

15 And I said proceedings because that would
16 include committee or any other hearings that we may
17 have, because my guess is we may have to have a few more
18 of these to get through those, so you'll notice I said
19 hearings, is that sufficient?

20 LEGAL COUNSEL BLOCK: Yes.

21 COMMITTEE CHAIR JONES: Do we have a second?

22 COMMITTEE MEMBER MEDINA: Second.

23 COMMITTEE CHAIR JONES: Okay. We have a
24 motion by Mr. Eaton, and a second by Mr. Medina for a
25 revised Resolution 2002-191.

1 Could you call the roll?

2 COMMITTEE SECRETARY BAKULICH: Eaton?

3 COMMITTEE MEMBER EATON: Aye.

4 COMMITTEE SECRETARY BAKULICH: Moulton-

5 Patterson?

6 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

7 COMMITTEE SECRETARY BAKULICH: Medina?

8 COMMITTEE MEMBER MEDINA: Aye.

9 COMMITTEE SECRETARY BAKULICH: Jones?

10 COMMITTEE CHAIR JONES: Aye. And members,
11 we're going to put this on the consent calendar? Okay.

12 We know all these are the same but we're going
13 to hit 'em quick anyway, okay?

14 Go ahead, on item 13, number 45, City of
15 Perris.

16 MR. SORELLE: Okay. This item is presenting
17 the City of Perris' request for a SB 1066 time
18 extension.

19 The City of Perris submitted an SB 1066
20 request for a time extension, and staff and the Board's
21 Office of Local Assistance has reviewed the item.

22 The review of the item included an analysis of
23 the application; review of the city's diversion program
24 development; and discussions with representatives of the
25 city and Western Riverside Council of Governments.

1 The city has built their request off an
2 existing diversion rate of 43 percent. They have
3 identified new and expanded programs.

4 And all the page numbers, by the way, are
5 identical. It will be new and expanded programs are
6 always on four and five, program barriers are on page
7 five, and good faith efforts are on page three.

8 That they feel will provide sufficient
9 diversion to reach the mandated 50 percent rate required
10 by AB 939.

11 In addition, the application broached the
12 subject of program barriers that interfered with their
13 abilities to reach the diversion goal by the year 2000,
14 and their purported good faith efforts in program
15 development based on SRRE selected programs as well as
16 alternative programs in response to circumstances over
17 time.

18 Unfortunately, the staff found the application
19 to have insufficient detail to fully determine barriers
20 for current program success, whether or not the city had
21 made a good faith effort to implement diversion
22 programs.

23 In addition, the application did not provide
24 sufficient program description and had other omissions
25 that made it impossible for staff to recommend Board

1 approval of the extension application.

2 Staff has discussed these limitations and more
3 described in the agenda item with representatives of the
4 city and the Western Region, and they agreed that the
5 documentation as it is currently written is insufficient
6 for the Board to judge the efficacy of the request.

7 Therefore, Board staff is recommend that the
8 city be given an additional thirty days -- or sorry.

9 COMMITTEE CHAIR JONES: That will work. That
10 will work.

11 MR. SORELLE: To revise the application and
12 submit it for presentation to the Board at a later
13 date.

14 Representatives of the Regional Government
15 Councils are here, and staff are available to answer any
16 questions.

17 COMMITTEE CHAIR JONES: Any questions from the
18 members?

19 Mr. Eaton.

20 COMMITTEE MEMBER EATON: I move that we adopt
21 Resolution 2002-192 as revised, and the revision be
22 included in the, "Now therefore be it resolved" clause,
23 that after the last sentence which begins, "Resubmit the
24 application to the Board within thirty days," that the
25 phrase, "and to be heard at the Board proceedings during

1 the month of July, 2002."

2 COMMITTEE CHAIR JONES: We have a motion.

3 COMMITTEE MEMBER MEDINA: Second.

4 COMMITTEE CHAIR JONES: We have a second. We
5 have a motion by Mr. Eaton and a second by Mr. Medina.

6 Members okay with substituting the previous
7 roll?

8 COMMITTEE MEMBER EATON: Yup.

9 COMMITTEE CHAIR JONES: We'll substitute the
10 previous roll, and we'll put this on consent. And it
11 will go on consent.

12 Item number 14, 46 in your program.

13 MR. SORELLE: This agenda item is presenting
14 the City of Lake Elsinore, Riverside County request for
15 an SB 1066 time extension.

16 The City of Lake Elsinore submitted an SB 1066
17 request for a time extension, and staff from the Board's
18 Office of Local Assistance has reviewed the item.

19 A review of the item included an analysis of
20 the application, review of the city's diversion program
21 development, and discussions with representatives of the
22 city and the Western Riverside Council of Governments.

23 The city has built a request off an existing
24 diversion rate of 42 percent.

25 They have identified new and expanded programs

1 that they feel will provide sufficient diversion to
2 reach the mandated 50 percent rate required by AB 939.

3 In addition, the application broached the
4 subjects of program barriers that interfered with their
5 abilities to reach the diversion goal by the year 2000,
6 and their purported good faith efforts and program
7 development based on SRRE selected programs as well as
8 alternative programs.

9 Unfortunately, staff found the application to
10 have insufficient detail to fully determine barriers to
11 current program success, and whether or not the city
12 made a good faith effort to implement diversion
13 programs.

14 In addition, the application did not provide
15 sufficient program description, and had other omissions
16 that made it impossible for staff to recommend Board
17 approval of the extension application.

18 Staff has discussed these limitations and more
19 described in the agenda item with representatives of the
20 city and the Western Regional Council, and they agreed
21 that the documentation as it is currently written is
22 insufficient for the Board to judge the efficacy of the
23 request.

24 Therefore, Board staff is recommending that
25 the city be given an additional thirty days to revise

1 the application and submit it for presentation at the
2 Board at a later date.

3 Representatives of the council are present to
4 answer any questions.

5 This concludes my presentation. Thank you.

6 COMMITTEE CHAIR JONES: Thank you. Are there
7 any questions from the members? The revisions seem
8 pretty, I mean what are the revisions that you just gave
9 us? I mean quickly, just anything of substance?

10 MS. WILLMON: Yeah, overall on the plan of
11 correction, we feel we need a great deal more
12 information.

13 Their description of good faith effort we feel
14 needs more explanation to justify the city's good faith
15 efforts just to give you an example.

16 In addition, that barriers, we need to have
17 more information provided regarding the barriers that
18 they've faced and how they've tried to overcome those
19 barriers.

20 Those are probably the three main or major
21 areas.

22 COMMITTEE CHAIR JONES: Okay. Are we setting
23 up a matrix that cities are going to have a pretty good,
24 I know you guys have done a lot of work with the cities
25 to tell 'em what's needed, is this going to help

1 reinforce the level of detail and what you need as a
2 result of this Board?

3 MS. WILLMON: Uh-huh.

4 MR. SORELLE: And there's an example on the
5 website that gives sufficient detail and some guidance
6 on how to fill out both 1066 applications.

7 COMMITTEE CHAIR JONES: Yeah, I know that, but
8 these might help. Yeah, good.

9 Questions?

10 Mr. Eaton.

11 COMMITTEE MEMBER EATON: I move that we revise
12 and subsequently then adopt based upon those revisions
13 Resolution 2002-193 with the following revision to the,
14 "Now therefore be it resolved" clause of the resolution,
15 beginning at the last sentence of that clause which
16 states, "The application to the Board within thirty
17 days, and to be heard at the Board proceedings in July,
18 2002."

19 COMMITTEE CHAIR JONES: I have a motion, do I
20 have a second?

21 COMMITTEE MEMBER MEDINA: Second.

22 COMMITTEE CHAIR JONES: I have a motion from
23 Mr. Eaton, a second from Mr. Medina.

24 Are the members okay with substituting the
25 previous roll?

1 COMMITTEE MEMBER MEDINA: Yes.

2 COMMITTEE CHAIR JONES: All right. And are
3 the members okay with putting it on consent? We'll
4 substitute the previous roll and it will go on consent
5 at the next meeting.

6 Thank you. Item fifteen.

7 MR. SORELLE: This agenda item is presenting
8 the City of Marietta, Riverside County's request for an
9 SB 1066 time extension.

10 The City of Marietta submitted an SB 1066
11 request for time extension, and the staff from the
12 Board's Office of Local Assistance reviewed the item.

13 The review of the item included an analysis of
14 the application, a review of the city's diversion
15 program development, and discussions with
16 representatives of the city and the Western Riverside
17 Council of Governments.

18 The city has built their request off an
19 existing diversion rate of 45 percent.

20 They have identified new and expanded programs
21 that they feel will provide sufficient diversion to
22 reach the mandated 50 percent rate required by AB 939.

23 In addition, the application broached the
24 subjects of program barriers that interfered with their
25 abilities to reach the diversion goal by the year 2000,

1 and purported good faith efforts in program development
2 based on SRRE selected programs as well as alternative
3 programs.

4 Unfortunately, staff found the application to
5 have insufficient detail to fully determine barriers to
6 current program success, and whether or not the city had
7 made good, a good faith effort to implement diversion
8 programs.

9 In addition, the application did not provide
10 sufficient program description, and had other omissions
11 that made it impossible for staff to recommend Board
12 approval of the extension application.

13 Staff has discussed these limitations and more
14 described in the agenda item with representatives of the
15 city and the Western Regional Council, and they agreed
16 that the documentation as it is currently written is
17 insufficient for the Board to judge the efficacy of the
18 request.

19 Therefore, Board is recommending that the city
20 be given an additional thirty days to revise the
21 application and submit it for presentation to the Board
22 at a later date.

23 Representatives of the Western Region and
24 staff are available.

25 That concludes my presentation.

1 COMMITTEE CHAIR JONES: Any questions from the
2 committee?

3 Mr. Eaton.

4 COMMITTEE MEMBER EATON: All right. I would
5 move that we revise and subsequently adopt Resolution
6 2002 --

7 COMMITTEE CHAIR JONES: 194.

8 COMMITTEE MEMBER EATON: -- 194. And the
9 revision would be in the, "Therefore be it resolved"
10 clause at the bottom of the resolution, the following
11 revision added to the last sentence which begins, "And
12 resubmit the application to the Board within thirty
13 days, and be heard by the Board in its July proceedings,
14 2002."

15 COMMITTEE CHAIR JONES: We've got a motion.

16 COMMITTEE MEMBER MEDINA: Second.

17 COMMITTEE CHAIR JONES: We have a second.

18 Motion by Mr. Eaton and a second by Mr. Medina.

19 Members, can I substitute, can we substitute
20 the previous roll?

21 COMMITTEE MEMBER MOULTON-PATTERSON: Yes.

22 COMMITTEE MEMBER MEDINA: Yes.

23 COMMITTEE CHAIR JONES: So done. And put it
24 on consent? So done.

25 Just one question for the Western Regional --

1 that's fine, you can stand.

2 I mean you okay, I mean are you going to be
3 able to get these done in that timeframe?

4 MS. SPIRE: Yes.

5 COMMITTEE CHAIR JONES: You indicated that you
6 could? You're okay with this?

7 MS. SPIRE: We're okay with that.

8 COMMITTEE CHAIR JONES: We appreciate it.
9 Thank you very much. All right.

10 We are on item 16.

11 MR. SCHIAVO: And just real quickly, item 16,
12 17, 18, 19, and 20 in your committee packet which
13 correspond to 48, 49, 50, 51, and 52 are all SB 1066
14 petitions in which we recommend approval. And we'll
15 have individual presenters.

16 And the first one will be Pat Lope for the
17 Yuba Sutter Regional Waste Management Authority.

18 MR. LOPE: This is the lowest podium I've ever
19 seen.

20 The Yuba Sutter Regional Waste Management
21 Authority submitted an SB 1066 document requesting a
22 time extension until December 31st, 2003.

23 This agency built its request upon its
24 existing 2000 diversion rate of 34 percent, and they are
25 confident that the programs outlined in its plan of

1 correction will successfully allow them to meet or
2 exceed the 50 percent diversion goal.

3 The specific reasons why this agency needs a
4 time extension are as follows: And this is on page 48-5
5 of your, of the packet.

6 Number one, commercial and residential
7 programs need time to be fully implemented.

8 Number two, recently implemented programs need
9 to have time to develop.

10 Number three, the city also needs sufficient
11 time to fully educate a public that is now being exposed
12 to a completely different and more aggressive waste
13 diversion program.

14 Number four and finally, a full year of
15 disposal measurement is desired to evaluate the
16 effectiveness of these new diversion programs.

17 Most of the implementation activities will
18 take place in the first two years with monitoring taking
19 place in the third year.

20 The programs listed in the plan of correction
21 are:

22 The curbside collection of commingled
23 recyclable materials on a weekly basis;

24 Residential curbside green waste collection on
25 a weekly basis;

1 Expansion of a commercial collection cardboard
2 program;

3 Implementation of a construction and
4 demolition sorting line at the materials recovery
5 facility in Marysville;

6 Implementation of a variable can rate
7 structure;

8 Implementation of various public education and
9 outreach programs.

10 Board staff has determined that the
11 information submitted within the application is
12 adequately documented, and based on this information
13 Board staff is recommending that the Board approve the
14 time extension request for the agency.

15 I'm available to answer any questions.
16 Additionally, Keith Martin from the agency is present to
17 answer any questions you may have as well.

18 That concludes my presentation.

19 COMMITTEE MEMBER MEDINA: I had a question.
20 In regard to the primary barriers, what is the progress
21 in addressing those barriers?

22 MR. LOPE: Keith.

23 MR. MARTIN: Good morning members of the
24 committee, my name is Keith Martin, I'm the
25 administrator for the Regional Waste Management

1 Authority.

2 The barriers you're referencing are --

3 COMMITTEE MEMBER MEDINA: Page 48-5.

4 MR. MARTIN: Page 48-5, make sure I answer the
5 question you're asking.

6 COMMITTEE MEMBER MEDINA: What progress have
7 you made on those barriers?

8 MR. MARTIN: Okay. We have already adopted
9 the variable can rate methodology, and the member
10 jurisdictions have approved a new rate structure based
11 upon the submitted rate application.

12 The programs have been implemented, and we are
13 now under the process of the implementation stages which
14 begins with a very lenient period following by more
15 enforcement and, of course, all along we have public
16 education campaign supporting that as well.

17 So we have, the barriers have essentially been
18 overcome in terms of the initial process, and now it's a
19 matter of the public education and the growing of the
20 maturing of the programs.

21 COMMITTEE MEMBER MEDINA: And in regard to the
22 infrastructure of the recycling bins, C&D sorting line,
23 have those been procured yet?

24 MR. MARTIN: They have been procured and in
25 service, all those have been implemented.

1 At this point the programs reached their full
2 implementation in October of 2001, and then we began
3 that process with the implementation stages where we
4 were working with the residents and the local
5 jurisdictions to familiarize themselves with a complete
6 change of the system.

7 We were a unlimited collection system where
8 whatever you pushed to the curb was collected. So you
9 can imagine going to a variable can rate structure and
10 limited collection, and the diversion and separation of
11 materials, it's been quite a public education process.

12 And so we're, in the last quarter, the first
13 quarter was a very lenient period. The last quarter
14 beginning in January was a period where we were
15 beginning to take enforcement, and notification and
16 leaving cans behind and working with the residents. And
17 in some cases going door to door in neighborhoods that
18 have a consistent problem. So you can imagine as this
19 process continues on.

20 So we believe that the 2002 period is still an
21 implementation phase, and the 2003 through the extension
22 period is the first full year to measure the performance
23 of the system based upon a mature operation as opposed
24 to a startup operation.

25 COMMITTEE MEMBER MEDINA: Okay.

1 COMMITTEE MEMBER MOULTON-PATTERSON: I just
2 was ready to move approval of the SB 1066 time extension
3 by the Yuba Sutter Regional Waste Management Authority.

4 COMMITTEE MEMBER MEDINA: Second.

5 COMMITTEE CHAIR JONES: We have a motion by
6 Linda Moulton-Patterson on Resolution 2002-196, and a
7 second by Mr. Medina.

8 Would you call the roll?

9 COMMITTEE SECRETARY BAKULICH: Eaton?

10 COMMITTEE MEMBER EATON: Aye.

11 COMMITTEE SECRETARY BAKULICH: Moulton-
12 Patterson?

13 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

14 COMMITTEE SECRETARY BAKULICH: Medina?

15 COMMITTEE MEMBER MEDINA: Aye.

16 COMMITTEE SECRETARY BAKULICH: Jones?

17 COMMITTEE CHAIR JONES: Aye. Members, we're
18 going to put this on consent. Okay. All right.

19 Thank you.

20 MR. MARTIN: Thank you.

21 MR. SCHIAVO: Item number 17 in your committee
22 packet, or 49 in your Board packet, will be presented by
23 Jill Simmons.

24 MS. SIMMONS: Good morning. This agenda item
25 is presenting the Tehama County Sanitary Landfill

1 Agency's request for SB 1066 time extension until August
2 31st, 2002.

3 The agency fully intended to meet the 50
4 percent goal in 2000; however, the planned material
5 recovery facility construction has gone through a series
6 of delays due to property acquisition and CEQA issues.

7 The agency is requesting a time extension to
8 allow them to finalize the permitting process and to
9 complete the entire construction of the MRF and
10 composting facility. You may refer to page 49-5 of your
11 agenda item packet regarding the length of time
12 requested.

13 The agency built their request off their
14 existing diversion rate of 46 percent.

15 The proposed MRF will separate divertable
16 material from commercial self-haul loads, hauler
17 commercial waste, and residential self-haul loads, and
18 residential curbside materials.

19 Materials planned for diversion include
20 plastics one through seven, aluminum, tin cans, scrap
21 metal, glass, yard waste, other compostables, and all
22 paper and cardboard.

23 An adjoining compost facility for separated
24 yard waste will also be included at the MRF.

25 With this additional diversion, the agency is

1 confident that the programs outlined in this plan of
2 correction will successfully allow them to meet the 50
3 percent diversion goal.

4 Once the MRF and the composting facility has
5 been implemented, the agency will have developed all of
6 their SRRE selected diversion programs. You may refer
7 to page 49-4 of your agenda item packet regarding the
8 new diversion programs.

9 Board staff has determined that the
10 information submitted within the application is
11 adequately documented.

12 Based on this information, Board staff is
13 recommending that the Board approve the time extension
14 request for the agency.

15 A representative, Alan Abbs from the agency,
16 and Board staff are present to answer any questions.

17 This concludes my presentation.

18 COMMITTEE CHAIR JONES: Thank you.

19 Are there any questions?

20 Member Moulton-Patterson.

21 COMMITTEE MEMBER MOULTON-PATTERSON: I move
22 Resolution 2002-197, SB 1066 time extension by the
23 Tehama County Sanitary Landfill Regional Agency.

24 COMMITTEE MEMBER MEDINA: Second.

25 COMMITTEE CHAIR JONES: Thank you. We have a

1 motion by Linda Moulton-Patterson -- oh, this, we do
2 have a speaker slip but if it was only if there were any
3 questions as I understood it. Mr. Abbs, is that
4 accurate?

5 MR. ABBS: Yes.

6 COMMITTEE CHAIR JONES: Okay, thank you.

7 We have a motion by Linda Moulton-Patterson, a
8 second by member Medina. Members okay with substituting
9 the previous roll?

10 COMMITTEE MEMBER EATON: How long is the
11 extension for?

12 MS. SIMMONS: Till August of 2002, August 31st
13 of 2002.

14 COMMITTEE MEMBER EATON: So they're asking for
15 like ninety, about 120 days?

16 MS. SIMMONS: That's correct.

17 COMMITTEE CHAIR JONES: Okay. We're going to
18 substitute the roll, put it on consent. Thank you.

19 And just a quick comment, Mr. Abbs. I mean 47
20 percent, going for an extension to get these programs
21 done, that's what this program is about and we
22 appreciate it. And you need to go back and tell your
23 people --

24 MR. ABBS: Thank you.

25 COMMITTEE CHAIR JONES: -- that that makes a

1 lot of sense, you know, right, members? I mean you
2 could have rolled the dice. So thanks.

3 MR. ABBS: Thank you.

4 COMMITTEE CHAIR JONES: All right. That will
5 be on consent. We're now going to hear item number 18,
6 City of El Monte.

7 MR. SCHIAVO: Steve Uselton will be making
8 this presentation, and it's number 50 in your Board
9 packet as well.

10 MR. USELTON: Members of the Board, this item
11 is for consideration of the application for a 1066 time
12 extension by the City of El Monte in Los Angeles
13 County.

14 I'd first like to point out that we do have a
15 correction to the information in your packet. In the
16 actual application the city had requested a three year
17 time extension. This was because they had turned it in
18 in 2001. We have revised the application package to
19 show it's only for two years, the year 2002 and 2003.

20 The city has reported a 24 percent diversion
21 rate for 1999, and a 39 percent diversion rate for
22 2000.

23 Staff review of the increase in this diversion
24 rate between the two years indicates that there is a
25 combination of influences that have resulted in this

1 situation.

2 The city has aggressively worked on technical
3 outreach to businesses in the community.

4 There has also been a program to educate the
5 haulers regarding the misallocation problems that have
6 traveled into this area.

7 And the County of Los Angeles landfills have
8 changed from a quarterly origin survey to now conducting
9 daily origin surveys.

10 The current programs or primary current
11 programs that the city is implementing include
12 residential curbside collection, residential curbside
13 collection of green waste, commercial on-site
14 collection.

15 Recycled materials have been collected from
16 city departments including green waste, cans, and
17 bottles.

18 Grass cycling is encouraged within the city
19 and conducted at the city's parks and green areas as
20 well as at the public schools in the city.

21 On C&D diversion, waste auditors continue to
22 encourage haulers to use recycled inert materials
23 whenever possible.

24 The city does chip and grind and reuse mulch
25 materials.

1 And there is a procurement policy within the
2 city. And, in fact, this is a city that conducts a
3 recycled product fair on an annual basis and encourages
4 all of their city departments to attend.

5 Regarding the length of the time extension and
6 Board staff analysis of this, the city has again
7 requested two years to meet the 50 percent diversion
8 requirement.

9 The jurisdiction has outlined several program
10 expansions that have been considered but have not been
11 implemented to date. Several of these program
12 expansions include changes that will have to be worked
13 through with the franchise hauler, and these
14 requirements or changes may take some time to negotiate
15 and finalize.

16 Staff does see the two year extension as
17 appropriate to give the amount of time that is needed to
18 make these changes. However, other options such as the
19 outreach program that is explained in the application
20 may be done in the nearer term, and the city is
21 available to comment on the progress in doing some of
22 these smaller programs.

23 The city is proposing in their plan of
24 correction to expand the residential curbside recycling
25 program. They see there is a need for, there is need

1 for additional outreach to refresh the interest and
2 participation in this program. There will be additional
3 flyers distributed to the residential community.

4 The city did note that there has not been an
5 aggressive outreach to the residential community since
6 1996 when the residential program was expanded. So this
7 is something that is really needed in order to improve
8 the rate.

9 As far as the on-site commercial recycling.
10 By requiring haulers to now provide recycling services
11 to all businesses will improve the infrastructure in
12 this area. The haulers will create a fee structure that
13 will also produce an incentive for businesses to
14 recycle.

15 The city's plan recognizes that by requiring
16 haulers to recycle is, is only part of the solution,
17 there is still the need to actively promote the
18 infrastructure to businesses within the community, and
19 the city intends to build on a model of working and
20 technical assistance to the businesses that has worked
21 in other cities.

22 Multi-family residences compose about 30
23 percent of the city's residential units, and there will
24 be an increased focus to provide infrastructure to this
25 area, and certainly that will dovetail well into this

1 plan.

2 The city does intend to work with the
3 landscapers in the community to encourage the separation
4 of green materials and reduce contamination of those
5 materials so that they can be beneficially used within
6 the region.

7 Also, on the C&D or concrete, asphalt, and
8 rubble, we did notice that the materials disposed at
9 landfills comprised about 22 percent of the city's
10 disposal, so this was an obvious target for the city to
11 work on and to aggressively promote both reuse and
12 reduction methods to C&D contractors.

13 COMMITTEE CHAIR JONES: Are they looking at an
14 ordinance to enforce that or set that out?

15 MR. USELTON: Yeah, that is part of the
16 application. And again, I'd defer to the city to give
17 the specifics on what they're planning to do there.

18 COMMITTEE CHAIR JONES: Okay.

19 MR. USELTON: Based on Board staff's
20 assessment of the city's current program implementation
21 and its relationship to the waste stream, including a
22 program review in 2001, staff believes that the city
23 does need some additional time to reestablish interest
24 in several of the programs.

25 The city will need to address the issue of the

1 inert disposal, and will need additional time to develop
2 methods to better track and control the waste generated
3 within the city.

4 Staff is recommending that the Board approve
5 the city's application and adopt Resolution 2002-198.

6 The city is available to answer any questions
7 about the application.

8 COMMITTEE CHAIR JONES: Mr. Eaton.

9 COMMITTEE MEMBER EATON: I have one procedural
10 question first for the division. This is a request for
11 a two-year extension. They've said they're going to do
12 a number of things. When would be the earliest time, is
13 there any intervening reports in between the two years
14 where if they fail to do any of these things we would
15 have notice of it?

16 MR. SCHIAVO: We, for a two-year extension
17 we're talking about having those included, the update,
18 within the annual report. But if you would like we can
19 do it more frequent, I mean we can do it semiannual.
20 It's, there's discretion on your part as far as the
21 frequency of when you would like reporting.

22 COMMITTEE MEMBER EATON: I was just going to
23 say when you have anything, you know, over a year, 18
24 months, we can go back to that argument, but two year's
25 they say they're going to do, adopt an ordinance,

1 they're going to, you know, better track, and then two
2 years from now --

3 MR. SCHIAVO: Right, it's too late.

4 COMMITTEE MEMBER EATON: And I'm just asking.
5 I'm just trying to find out, to cut down on the
6 paperwork is there a way intervening with these that
7 they have a requirement that they have to report in the
8 regular course of the business with this Board, or does
9 it have to be a special requirement that they report
10 twelve months into their progress on a two-year
11 extension?

12 MR. SCHIAVO: If it's annual reporting it
13 would be included in the annual reports that they submit
14 to us anyway, and so there's an area there in which they
15 could report their progress.

16 COMMITTEE CHAIR JONES: And it would be a
17 requirement.

18 MR. SCHIAVO: And it would be a requirement.

19 MR. USELTON: Staff will definitely look
20 closely at the application that was proposed to see that
21 they are making efforts to implement those programs.

22 COMMITTEE MEMBER EATON: Do you know whether
23 the commercial on-site haulers are franchised?

24 MR. USELTON: That is a question that I can
25 ask the city. I believe --

1 MS. O'GORMAN: I'm sorry, I didn't hear the
2 question. My name is Brandy O'Gorman.

3 COMMITTEE MEMBER EATON: Are the commercial
4 haulers franchised?

5 COMMITTEE CHAIR JONES: Or is it an open
6 territory?

7 MS. O'GORMAN: It's an open territory.

8 COMMITTEE MEMBER EATON: So can you explain to
9 me quite, you know, how, how you could get them to
10 approve the commercial on-site work in the corrective
11 action plan if you basically don't have any ability to
12 know one who they are or who is operating within your
13 territory? What mechanism?

14 MS. O'GORMAN: We've recently changed the
15 ordinance to include, to require all, everyone taking
16 waste to the landfill to fill out a permit, that just
17 was recently done. And now we have 300 haulers that
18 we're regulating.

19 And recently the City Council authorized a
20 \$6.75 fee for each ton taken to the landfill to
21 encourage recycling. And this includes all contractors
22 and landscapers.

23 COMMITTEE MEMBER EATON: So your neighbors are
24 going to be very upset because they're not going to put
25 it came from El Monte. That's what I see being set up.

1 (LAUGHTER.)

2 COMMITTEE MEMBER EATON: Then the other issue
3 with regards to the ordinance that Mr. Jones spoke about
4 because 22 percent, almost a quarter of your waste
5 stream is construction and demolition. What are the
6 prospects for adopting an ordinance?

7 MS. O'GORMAN: We're currently drafting an
8 ordinance to require permits ahead of time, because now
9 we're sort of working after the waste gets there, so
10 it's to turn it around and be more proactive.

11 COMMITTEE MEMBER EATON: Good. Thank you.

12 COMMITTEE CHAIR JONES: Good. Any other
13 questions?

14 COMMITTEE MEMBER MEDINA: I didn't have some
15 questions but I did have some comments. I was just
16 noticing in regard to the primary barriers, that ethnic
17 diversity and language are noted as barriers. And when
18 you add up the Hispanic population and the Asian
19 population, which adds up to 67 percent, then you add
20 into that the African American population, so you can
21 see there's a majority population of those groups here
22 in the city.

23 And the remark that there's difficulty
24 reaching a consensus as to which Asian language to
25 target; coming from San Francisco, you don't just try to

1 target one Asian language, that's impossible, you really
2 have to go after all of the groups if you can.

3 And that just underscores the need for one of
4 the presentations that's going to be made here today,
5 and that's the study of minority communities and the
6 waste stream.

7 And just going down the various barriers. For
8 example, commercial sector turnover; it says, "The city
9 is made up of small mom and pop operations." And that's
10 the case with communities that have large immigrant
11 population, these are entrepreneurs that come in, you do
12 have a lot of mom and pop operations. And so you have
13 to target the message again using the Spanish media, the
14 Asian media in order to reach those communities.

15 And I think that again underscores the need
16 for studies to be done in the area of waste management,
17 and also the need for programs to be implemented in
18 these areas directed specifically at these groups.

19 And not to mention go one step beyond to have
20 the workforce itself reflect the diversity of the
21 community and, many times because the workforce that
22 directs the city departments don't reflect the diversity
23 of the community, so they're not effective in
24 implementing communities in reaching those communities.

25 COMMITTEE CHAIR JONES: Thank you. Don't we

1 have a study that we were talking about?

2 MR. SCHIAVO: Yes.

3 COMMITTEE CHAIR JONES: Or a concept that's to
4 come forward?

5 COMMITTEE MEMBER MEDINA: Yes, that will be
6 presented here today.

7 MR. SCHIAVO: Actually that will be presented
8 at the Board meeting.

9 COMMITTEE CHAIR JONES: At the Board meeting
10 next week.

11 MR. SCHIAVO: Yeah.

12 COMMITTEE MEMBER MEDINA: Our Board has
13 carried out such a study, it will be presented at the
14 Board meeting.

15 COMMITTEE CHAIR JONES: Right. Linda
16 Moulton-Patterson.

17 COMMITTEE MEMBER MOULTON-PATTERSON: I'd like
18 to move the resolution, but before I do I just wanted to
19 comment that I did attend the recycled content trade
20 show that this small city puts on, and I was so
21 impressed by it.

22 There is great outreach, and they just do a
23 terrific job. Congresswoman Solis was in attendance,
24 practically all of their elected officials, and they,
25 for a small city they're doing a terrific job, and I was

1 very pleased to be in attendance.

2 With that I'd like to move Resolution 2002-198
3 for the SB 1066 time extension by the City of El Monte,
4 Los Angeles County.

5 COMMITTEE MEMBER EATON: Second.

6 COMMITTEE CHAIR JONES: Okay. We've got a
7 motion by Chairwoman Moulton-Patterson and a second by
8 Mr. Eaton. Can we substitute the previous roll?

9 All right. Can we put it on consent?

10 All right. We'll substitute the previous roll
11 and put it on consent. We appreciate it.

12 We're going to take about a ten minute break.

13 (Thereupon there was a brief recess.)

14 COMMITTEE CHAIR JONES: We are going to
15 reconvene. First I want to ask the members if anybody
16 has any ex-parte?

17 COMMITTEE MEMBER EATON: No.

18 COMMITTEE MEMBER MOULTON-PATTERSON: No.

19 COMMITTEE MEMBER MEDINA: None to report.

20 COMMITTEE CHAIR JONES: And I have none to
21 report.

22 All right, Mr. Schiavo.

23 MR. SCHIAVO: Okay. Item 19 in the committee
24 packet and 51 in the Board packet, and Steve will be
25 making this presentation as well, actually the next two

1 items.

2 MR. USELTON: This item is for consideration
3 of an application for a SB 1066 time extension by the
4 City of Bell Gardens in Los Angeles County.

5 The city currently has a 34 percent diversion
6 rate for '99, and a 39 percent diversion rate for 2000.
7 The city is proposing a request for a three-year time
8 extension.

9 The city will be awarding a new franchise
10 agreement in April of 2002, and as part of the new
11 agreement the city has outlined an expanded residential
12 curbside recycling program that will begin in July, 2002
13 and will be fully implemented by December, 2002.

14 A full year of data upon which to evaluate the
15 program will likely be available in early, 2004, and the
16 jurisdiction may need to make some tweaks to the program
17 at that time.

18 In looking at the current primary diversion
19 programs that the city is implementing, there is a
20 residential curbside program, it's currently an 18
21 gallon mixed recyclable container. The time extension
22 request calls for increasing the size of that container
23 to ninety gallon.

24 There is currently a residential curbside
25 green waste program that is offered through the L.A.

1 County Garbage Disposal District. The application deals
2 with this subject as the green waste program would be
3 continued as a contingency if the city cannot meet its
4 diversion rate without it.

5 The city also has a commercial on-site
6 collection program.

7 Grass cycling is practiced at city parks and
8 city facilities.

9 Dealing with C&D, the city takes all asphalt
10 and concrete from their C&D projects to a local crusher
11 where the materials are reused.

12 There is a mixed recyclable program available
13 for schools within the city.

14 And the city does participate in a recycled
15 content product procurement program.

16 The analysis of the plan of correction that
17 was done by staff shows that on the residential curbside
18 recycling program the city is proposing an eight percent
19 increase in the overall diversion rate as a result of
20 the expanded automated curbside recycling program.

21 If we use the year 2000 generation and
22 disposal information, staff calculate that if the city
23 can achieve a 25 percent or better diversion rate from
24 the residential program, then the city's overall rate
25 could result in the projected increase of eight

1 percent.

2 Staff notes that the city has included the
3 contingency of adding green waste collection, if needed
4 to reach the diversion projects. Staff believes the
5 projections are reasonable if the city is prepared to
6 implement the green waste contingency if needed.

7 On the commercial recycling, four percent
8 increase in the city's overall rate would be a result of
9 an expanded commercial recycling program. It does seem
10 reasonable.

11 Additional monitoring by the city with
12 quarterly reports will allow the city to better track
13 hauler performance and business participation in the
14 program. Staff believes that this rate is attainable
15 provided the city continues its outreach to the
16 commercial sector.

17 With that, staff would like to acknowledge
18 that there is a representative from the City of Bell
19 Gardens here today that can answer questions regarding
20 the application.

21 And staff would ask that the Board approve
22 Resolution 2002-119.

23 COMMITTEE CHAIR JONES: Are there any
24 questions from the members?

25 COMMITTEE MEMBER EATON: I have one. Is the

1 franchise agreement hauler on the council agenda this
2 month?

3 MS. NIELSON: As a matter of fact, we are
4 interviewing haulers in this moment at city hall, the
5 public works director is, and the chosen hauler will be
6 on the next council meeting.

7 My name is Kimberly Nielson.

8 COMMITTEE MEMBER EATON: So we will know by
9 the end of the month whether there's a hauler or not to
10 be able to negotiate these terms that you have
11 recommended be done?

12 MS. NIELSON: There will be a hauler by the
13 end of the month. We have de-annexed out of a LAFCO
14 garbage disposal district, and that is effective
15 July -- June 30th, which means we have to have service
16 by July 1.

17 COMMITTEE CHAIR JONES: And I have -- go
18 ahead, I just wanted to ask one question.

19 COMMITTEE MEMBER MOULTON-PATTERSON: I just
20 have a question too.

21 COMMITTEE CHAIR JONES: Go ahead.

22 COMMITTEE MEMBER MOULTON-PATTERSON: I know I
23 brought it up before that, the large casino in Bell
24 Gardens. Now they use, I see that there's five that
25 they can pick from right now, five commercial haulers.

1 MS. NIELSON: That's correct.

2 COMMITTEE MEMBER MOULTON-PATTERSON: Is that
3 right? And they all have to have to recycling
4 services.

5 So you're assured that everything that they
6 dispose of is recycled with that casino?

7 MS. NIELSON: We're trying. It's really
8 difficult with some of the food-related industries. But
9 our commercial haulers are mandated to divert at least
10 50 percent, that is in their two year franchise that
11 they are given, and they're all coming in at about 60
12 percent, so they're working really hard to get the
13 diversion needed. And then we are going out to redo our
14 waste audits in all of the larger companies and, of
15 course, that casino is our largest.

16 COMMITTEE MEMBER MOULTON-PATTERSON: Right. I
17 would just like, you know, assurances that you're really
18 working with them as much as possible, because it's
19 large, I know.

20 MS. NIELSON: Definitely.

21 COMMITTEE CHAIR JONES: And I have a question
22 for the city, two questions actually.

23 The expectation of getting, and I may have
24 misunderstood what Steve said, is the expectation that
25 residential curbside recycling will divert 25 percent of

1 the residential waste stream? Is that what you were
2 saying?

3 MR. USELTON: Yes, if the residential program
4 can achieve a 25 percent diversion of the residential
5 waste stream --

6 COMMITTEE CHAIR JONES: Of the residential
7 waste stream.

8 MR. USELTON: -- then the overall rate would
9 increase by eight percent.

10 COMMITTEE CHAIR JONES: By eight percent,
11 okay.

12 MS. NIELSON: Right now we're only getting at
13 eight percent diversion through the L.A. County program,
14 that's why we're doing our own because we had no control
15 over it. So we really feel that going from an 18 gallon
16 bucket to a 96 gallon automated container, it's really
17 going to make a huge difference.

18 COMMITTEE CHAIR JONES: Sure.

19 MS. NIELSON: We have, in our franchise
20 agreement we have extensive education requirements that
21 are going to be in English and in Spanish, we're a very
22 Hispanic community, and our newspaper is done the same
23 way. So we're going to get the word out and try to get
24 everybody involved, and the schools.

25 COMMITTEE CHAIR JONES: Okay.

1 COMMITTEE MEMBER EATON: Does that mean you
2 resigned from the L.A. County Task Force as well so we
3 don't have to get like 86 cities?

4 MS. NIELSON: No, they'll keep us on the list,
5 we'll just be at the bottom of the list.

6 COMMITTEE CHAIR JONES: All right.

7 COMMITTEE MEMBER MEDINA: I'd like to move
8 this resolution.

9 COMMITTEE CHAIR JONES: All right.

10 COMMITTEE MEMBER MEDINA: I'd like to move
11 Resolution 2002-199, consideration of the application
12 for SB 1066 time extension by the City of Bell Gardens,
13 Los Angeles County.

14 COMMITTEE MEMBER MOULTON-PATTERSON: I'll
15 second.

16 COMMITTEE CHAIR JONES: Thank you. We have a
17 motion by Mr. Medina, second by Chairwoman
18 Moulton-Patterson.

19 Members, I'd like to substitute the previous
20 roll.

21 So done. And put this on consent.

22 So done.

23 Next item, number 20.

24 MR. USELTON: Okay. The next item is for
25 consideration of an application for an SB 1066 time

1 extension by the City of Whittier in Los Angeles County.

2 The city currently has a 27 percent diversion
3 rate for 1999, and that went up to 40 percent for the
4 year 2000.

5 Staff after a review of this increase in the
6 diversion rate between the two years indicates the
7 following combination of influences:

8 One, there has been a historical misallocation
9 problem that the city has faced in reference, in their
10 annual report involving the surrounding County of Los
11 Angeles unincorporated area that uses the city's name
12 and its postal address.

13 The city has a municipal ordinance that
14 requires all Whittier refuse be disposed at Savage
15 Canyon Landfill, yet total disposal at other facilities
16 is much greater than the total reported at Savage
17 Canyon.

18 Also, a disposal anomaly in 1999 at Puente
19 Hills Landfills upset the normal disposal trend for this
20 city.

21 And again, Los Angeles County landfills have
22 changed from a quarterly origin survey in '99 to now
23 doing a daily origin survey in 2000, thus improving the
24 accuracy of the reporting system.

25 The city is requesting a three-year time

1 extension. And staff's analysis of the city's plan of
2 correction indicates the plan is reasonable given the
3 waste stream.

4 In looking at the time extension request in
5 length of time, staff did contact the city to inquire
6 whether this could be done within a two-year time
7 period. The city is requesting that they be approved a
8 three-year time period. But as we look at the date for
9 completion of the programs, it would appear that March,
10 2002 the programs would be completed.

11 Since the development of this item, staff
12 would like to suggest that the committee consider
13 changing the resolution to a staff recommendation of two
14 years for the request instead of the three years, noting
15 that the application seems to only need the two years.

16 In giving some specific information on the
17 city's current program implementation, there is a
18 residential curbside program that has been in effect
19 within the city since 1992, and was expanded in 2001
20 with automated collection of both green waste and mixed
21 recyclables.

22 There is a commercial on-site pickup program.
23 C&D materials are targeted. And information is provided
24 to contractors at the city building department as
25 contractors come to the public counter.

1 The city also does have a procurement program
2 that was adopted in 1994 by their council, and it
3 purchases almost all recycled content paper.

4 In looking at the plan of correction, these
5 programs do seem to be the right target, focusing on the
6 residential sector which makes up about 65 percent of
7 the generation within the city.

8 But there will be some additional work on the
9 commercial on-site pickup as well through a new
10 agreement with the commercial hauler, encouraging them
11 to provide bin service to commercial accounts.

12 Staff would like to request the committee's
13 approval of Resolution 2002-200 with a modification to
14 accept staff recommendation for a two-year time
15 extension instead of a three year as requested by the
16 city.

17 Unfortunately, there is not a city
18 representative available.

19 COMMITTEE CHAIR JONES: Have you had
20 conversations with the city on this two-year extension?

21 MR. USELTON: We have, we called the city and
22 did request that they move it from a three to a two-year
23 time extension. They asked that it go to the Board with
24 the three year request.

25 COMMITTEE CHAIR JONES: So they would prefer

1 the three year to the two year. And their reason?

2 MR. USELTON: They, they'd just like some
3 additional time, but didn't spell out the details.

4 COMMITTEE CHAIR JONES: But their original
5 application included the implementation of curbside by
6 March, by last month.

7 MR. USELTON: Exactly.

8 COMMITTEE CHAIR JONES: And then that they
9 needed a year to let it run --

10 MR. USELTON: Monitoring.

11 COMMITTEE CHAIR JONES: -- and then a year for
12 evaluation.

13 MR. USELTON: Exactly.

14 COMMITTEE CHAIR JONES: All right. And they
15 do have the opportunity to ask for another extension if
16 they fall short?

17 MR. USELTON: Yes.

18 COMMITTEE CHAIR JONES: Members, any
19 questions?

20 COMMITTEE MEMBER MOULTON-PATTERSON: I just
21 would like to go with staff's recommendation for two
22 years.

23 COMMITTEE CHAIR JONES: Is that the motion?

24 COMMITTEE MEMBER MOULTON-PATTERSON: Yes. I
25 move Resolution 2002-200 for the SB 1066 time extension

1 by the City of Whittier, Los Angeles County, and just
2 change from three-year time extension to two year.

3 COMMITTEE MEMBER MEDINA: Second.

4 COMMITTEE CHAIR JONES: We have a motion by
5 Chairwoman Linda Moulton-Patterson, a second by Mr.
6 Medina with a revised 2002-200 to reflect the two-year
7 extension.

8 Substitute the previous roll.

9 On this one, members, do we want to -- well,
10 let's put it on consent, and if somebody from the city
11 wants to deal with the issue we'll be prepared to pull
12 it off.

13 Pat?

14 MR. SCHIAVO: Yeah, that sounds reasonable.

15 COMMITTEE CHAIR JONES: Will that work for you
16 members?

17 All right. Go ahead and let it reflect that
18 it passed out, it's going on consent, and if the city
19 wants it pulled they can pull it.

20 All right. Item number 21, 53 in your
21 program.

22 MR. SCHIAVO: Okay. The next seven items all
23 are base years, and they're all jurisdictions that are
24 completing their compliance orders.

25 And the very first jurisdiction will be the

1 San Benito County Integrated Waste Management Regional
2 Authority.

3 And Terri Edwards will be making this
4 presentation.

5 COMMITTEE CHAIR JONES: Before the
6 presentation we've got a question for a little bit of
7 clarification.

8 MR. SCHIAVO: Sure.

9 COMMITTEE CHAIR JONES: Mr. Eaton.

10 COMMITTEE MEMBER EATON: So these are all in
11 the category that were in compliance orders at one time
12 or another?

13 MR. SCHIAVO: Right.

14 COMMITTEE MEMBER EATON: Now if they complete
15 the compliance orders or they're approved, then have
16 they also filed for extensions?

17 MR. SCHIAVO: Not yet. This will be
18 completion of the --

19 COMMITTEE MEMBER EATON: Because the deadline
20 for filing extensions -- I just want to find out
21 procedurally what are these jurisdictions. There was no
22 exception.

23 MR. SCHIAVO: They reserve the right on their
24 1066 petition depending on the outcome here, and then
25 they would submit if they fall short, which these all

1 do.

2 COMMITTEE MEMBER EATON: Well that's what I'm
3 asking.

4 MS. MORGAN: They have not yet. They were
5 waiting to see the results of the approval of the base
6 year so they know what their 2000 rate is. Then they
7 would be able to build their application. They have
8 started to do some program review, but --

9 COMMITTEE MEMBER EATON: Have they filed an
10 annual report?

11 MS. MORGAN: Yes.

12 COMMITTEE MEMBER EATON: So in the annual
13 report is where they were supposed to reserve the right.

14 MS. MORGAN: Yes, which they did.

15 MS. EDWARDS: Which they did.

16 COMMITTEE MEMBER EATON: That's what I just
17 asked. Thank you.

18 MS. MORGAN: But they have not yet submitted.

19 COMMITTEE CHAIR JONES: Okay. So they have
20 reserved the right, they'll submit based on the action
21 of the committee and the Board whether or not we see it.

22 MS. MORGAN: Right.

23 COMMITTEE CHAIR JONES: And go ahead, it's all
24 yours.

25 MS. EDWARDS: Members of the Board, the

1 jurisdiction originally submitted a new base year
2 request with a diversion rate of 59.1 percent.

3 This study was then revised to deduct
4 restricted waste and biomass, and was resubmitted at 37
5 percent. The study was originally submitted as an
6 extrapolation study.

7 As a result of the Board's staff on-site
8 verification, it was discovered that since most of the
9 jurisdiction's businesses were included in the original
10 study, and that by using actual tonnage the new base
11 year would be more accurate.

12 As part of the base year study review, Board
13 staff conducted a detailed site visit. As a result
14 Board staff recommended deductions and additions that
15 can be viewed in their entirety by referring to
16 attachment three in the agenda item packet.

17 After meeting with the jurisdiction, they
18 agreed that though the difference between the
19 extrapolated study and the actual study was great and
20 would ultimately result in a 13 percent decrease in
21 their diversion rate, it was a better representation of
22 the diversion actually occurring in the area.

23 The new base year study before you is what the
24 jurisdiction and Board staff recommend. This study best
25 represents diversion for the area and contains no

1 extrapolation.

2 During the on-site verification of the
3 jurisdiction submitted study, some of the findings were
4 as follows:

5 At a manufacturer, Board staff found that the
6 diversion documented at this business was not complete.
7 It was found that, at the verification, that there was
8 actually more tonnage documented for the business than
9 originally claimed.

10 In addition, numerous deductions for wood
11 waste and metals recycling were made when staff realized
12 that the wood waste claimed was all being used for
13 biomass, and the metals recycling activities could not
14 meet restricted waste criteria.

15 With these changes and others listed in their
16 entirety on attachment three of this item, the
17 jurisdiction's diversion rate for 1999 would be 24
18 percent.

19 Although they did not meet the 25 percent
20 diversion goal with their 1999 new base year, they do
21 exceed it in the following year.

22 With approval of the Board staff for a
23 recommended new base year, the projected rate for 2000
24 would be 32 percent.

25 Based on this information, Board staff is

1 recommending option two of the agenda item which would
2 approve the revised new base year with staff
3 recommendations, accept the 1997-1998 biennial review
4 findings, and end the compliance order for the
5 jurisdiction.

6 Representatives from the jurisdiction as well
7 as Board staff are available to answer any questions.

8 And this concludes my presentation.

9 COMMITTEE CHAIR JONES: Questions from the
10 members?

11 One question. So as a result of your audits
12 and going out there and you've determined a new number,
13 that's a number that both the city and the Board feel
14 comfortable with?

15 MS. EDWARDS: Yes.

16 COMMITTEE CHAIR JONES: And they're going to
17 go forward from there. All right. Does the city, they
18 don't have anything --

19 MS. EDWARDS: We have a city representative
20 available for you.

21 COMMITTEE CHAIR JONES: But nobody has any
22 questions.

23 All right. Can I get a motion?

24 COMMITTEE MEMBER MOULTON-PATTERSON: I'll move
25 Resolution 2002-201.

1 COMMITTEE MEMBER MEDINA: Second.

2 COMMITTEE CHAIR JONES: Okay. We have a
3 motion by Chairwoman Linda Moulton-Patterson for
4 Resolution 2002-201, and a second by Mr. Medina.

5 Do we want to substitute the previous roll?
6 Any objections?

7 We'll substitute the previous roll and we will
8 put it on consent.

9 COMMITTEE CHAIR JONES: Okay. Thank you.

10 COMMITTEE MEMBER EATON: Did the city do, did
11 San Benito do their own or who was the consultant?

12 MR. SCHIAVO: They contracted out initially.

13 COMMITTEE MEMBER EATON: Who was that?

14 MR. SCHIAVO: Eugene Tseng.

15 COMMITTEE CHAIR JONES: Okay. Item 22, 54.

16 MR. SCHIAVO: 54 in the packet. And Keir
17 Furey will be making this presentation.

18 MR. FUREY: This is for the town of Portola
19 Valley on a new base year request.

20 The town originally submitted a new base year
21 change request with a diversion rate of 32 percent.

22 In the study, diversion data was extrapolated
23 from the residential sector. However, Board staff does
24 not recommend inclusion of this data due to the
25 inadequate sample size, and has removed it from the

1 staff recommendation for a diversion rate.

2 Staff originally thought the town agreed,
3 however, they contacted us and let us know that
4 themselves and the consultant does not agree with the
5 deduction of the extrapolation of the residential
6 sector, and the town will make a presentation to provide
7 some options on that issue.

8 Also, as part of the base year study review,
9 Board staff conducted a detailed site visit. As a
10 result of inaccuracies and estimates of the
11 non-residential diversion, Board recommends, recommended
12 deductions and additions. These can be reviewed in
13 their entirety by referring to attachment three of the
14 agenda item packet.

15 As a result of the deductions and additions,
16 Board staff recommended a revised diversion rate of 27
17 percent for the base year of 1999.

18 Since the beginning of 1999 the town has
19 continued to introduce new programs and has improved
20 existing programs.

21 In September of 1999 the town implemented a
22 residential curbside green waste collection program for
23 one hundred percent of the households.

24 Also, in December of 2000, the town passed a
25 C&D ordinance that required 60 percent diversion for

1 local projects.

2 With the new programs the town's diversion
3 rate continues to increase. The diversion rate for 2000
4 with the new proposed generation amount would calculate
5 to 37 percent.

6 Board staff has determined that the
7 information is adequately documented. Based on this
8 information Board staff is recommending option two of
9 the agenda item which would approve the revised new base
10 year the staff recommended, recommendations; accept the
11 1997-1998 biennial review; and end compliance order for
12 the town.

13 Representatives for the town are present for
14 any questions.

15 This concludes my presentation.

16 COMMITTEE CHAIR JONES: Any questions of
17 staff? All right.

18 We have a speaker slip from Richard Gertman.

19 MR. GERTMAN: My name is Richard Gertman, I'm
20 with Environmental Planning Consultants, and we did the
21 base year review work for Portola Valley and Woodside,
22 the next agenda item up.

23 There's a couple of things. One, in addition
24 to what Keir is saying, for the C&D program that we
25 implemented, it started late in 2000, so the 2001

1 diversion rate will be even higher. And just this last
2 month we've negotiated a new contract for garbage
3 collection that will divide the waste stream into two
4 parts, so there will be recyclables and compostables. A
5 hundred percent of the residential collected waste
6 stream will be processed. And we're projecting about a
7 75 percent diversion rate from that material, which
8 begins in July 1 of this year.

9 So there are additional diversion beyond what
10 the staff has identified coming into the future.

11 My primary point right now is that I also
12 prepared base year adjustment work for two other
13 communities, the City of Palo Alto and the City of
14 Hayward, both of which were approved by the Waste Board
15 at some point in the past.

16 And for those studies we used the sample size
17 of 40 residential units surveyed to determine
18 residential diversion and projected that out. And as
19 I've said, the Board did approve both of those base year
20 studies.

21 Based on that work and the approvals of the
22 Board, we used the same sample size for Portola Valley
23 and Woodside which is 40 households.

24 That sample size gives us a diversion accuracy
25 measurement of plus or minus about twelve percent as

1 compared to the subsequently adopted Board measurement
2 of about 300 samples to give plus or minus five percent.

3 The Portola Valley and Woodside base years
4 were submitted before the Board took the action that
5 changed the size of the sample, and so I would urge you
6 to adopt the base year as submitted by the communities
7 for the residential sector.

8 If you choose not to do that, I would offer an
9 alternative which is that the plus or minus seven
10 percent, I mean plus or minus twelve percent is seven
11 percent larger than the plus or minus five percent, and
12 statistically it would be accurate for you to reduce the
13 diversion claimed by the amount of the difference so
14 that you still had a plus or minus five -- a minus five
15 percent off of the diversion rather than zero.

16 I mean there is diversion occurring in the
17 residential sector based on the survey, and we know what
18 that is, but it's not appropriate to zero it
19 statistically when you can say that you want plus or
20 minus five percent then you can reduce it, reduce the
21 number that we requested by seven percent and have a
22 plus or minus five percent from that number.

23 So I'd urge you to ask the staff to revisit
24 that issue in their recommendation to you.

25 Thank you.

1 COMMITTEE CHAIR JONES: Just a couple of
2 questions.

3 MR. GERTMAN: Yes.

4 COMMITTEE CHAIR JONES: And it may be a little
5 bit between you and a little bit between Keir.

6 When we look at the site visit verification
7 findings for the City of Portola Valley, we see like 31
8 tons of pallets.

9 MR. GERTMAN: Yes.

10 COMMITTEE CHAIR JONES: And then our staff
11 says zero because there was no net; you know, the
12 product was shipped in and out, there's no real, I mean
13 it's just part of the business.

14 MR. GERTMAN: Uh-huh.

15 COMMITTEE CHAIR JONES: I mean, are you saying
16 that you have a problem with this portion or just the
17 residential 40?

18 MR. GERTMAN: My primary problem is with the
19 residential, and that is what I was speaking to.

20 COMMITTEE CHAIR JONES: Right.

21 MR. GERTMAN: I don't agree that there is no
22 diversion from the pallet recycling either, but I wasn't
23 prepared to push that issue one way or the other.

24 I think there is some diversion that should be
25 claimed from pallet recycling because we know that

1 pallets are damaged and they go off to the landfill and
2 all that kind of stuff.

3 So again, I don't think it's appropriate to
4 zero that, but I wouldn't argue that pallets are
5 normally reused and that all of that tonnage should come
6 back in. Although we obviously submitted those numbers
7 in good faith based on our understanding of what
8 diversion is. So I would be happy if that was also
9 approved.

10 COMMITTEE CHAIR JONES: No, I think I agree
11 with that staff on that one, but --

12 MR. GERTMAN: Okay. That's fine.

13 COMMITTEE CHAIR JONES: But I mean this
14 difference on the 40 residences in Portola Valley being
15 a difference. I mean I'm not getting, I mean we're a
16 disposal based system, so as long as the material goes
17 in in this new base year as being generated period, your
18 programs are going to take care of that in the future.

19 MR. GERTMAN: The residential survey was
20 primarily source reduction activities, and those
21 activities don't show up in the generation at all if
22 they're not added back in here. So it actually does
23 reduce the total generation as well as the total
24 diversion from the town by not including that survey
25 data.

1 Our estimate is it's about three percent
2 difference in the total diversion rate. If the town, if
3 the residential survey data is included, the diversion
4 rate for Portola Valley will increase by about three
5 percent is our estimate.

6 COMMITTEE CHAIR JONES: And our staff couldn't
7 find, I mean it doesn't follow our --

8 MS. MORGAN: No.

9 COMMITTEE CHAIR JONES: And that's nothing
10 that's changed, that part of it didn't change, did it?

11 MR. SCHIAVO: The sampling part?

12 COMMITTEE CHAIR JONES: We ratcheted up the
13 number of samples required to get a higher level of
14 accuracy. That's a product of the working group --

15 COMMITTEE CHAIR JONES: But that was over the
16 whole jurisdiction, right, not just --

17 MR. SCHIAVO: Well the extrapolation in
18 general, if you use extrapolation.

19 COMMITTEE CHAIR JONES: Right. So it wasn't
20 just residential?

21 MR. SCHIAVO: Right.

22 COMMITTEE CHAIR JONES: It was a combination
23 of residential and commercial and industrial.

24 MR. SCHIAVO: And/or commercial.

25 COMMITTEE CHAIR JONES: And/or?

1 MR. SCHIAVO: Yeah.

2 MR. GERTMAN: But if I can?

3 COMMITTEE CHAIR JONES: Sure.

4 MR. GERTMAN: That action was taken after this
5 document was submitted, so others have been approved
6 with this sampling size as of the time we submitted this
7 document.

8 COMMITTEE CHAIR JONES: The --

9 MR. SCHIAVO: My understanding, and I may be
10 wrong, is I was told they were before the moratorium.
11 And either way, the purpose of the moratorium and the
12 purpose of the diversion study process was to fix the
13 problem.

14 COMMITTEE CHAIR JONES: Was to fix the
15 problem.

16 MR. SCHIAVO: Right, to fix the problem.

17 COMMITTEE CHAIR JONES: What was the two
18 cities you said, Hayward and Palo Alto?

19 MR. GERTMAN: Hayward and Palo Alto, and they
20 were both approved.

21 COMMITTEE CHAIR JONES: Right, but they were
22 done before the moratorium?

23 MR. GERTMAN: Yes.

24 COMMITTEE CHAIR JONES: The reason that we had
25 the moratorium and change was because of abuses and

1 misinterpretations of how these were coming together.

2 And that was a lengthy process that the Board ended up

3 doing. So, and that had been ongoing, so --

4 MR. GERTMAN: And I wouldn't argue that point
5 beyond what I've said, but to say that there was a
6 survey that was done that provides some information that
7 is statistically valid, it has a wider range than your
8 current allowance.

9 COMMITTEE CHAIR JONES: Correct. But you're
10 asking us to make a change between twelve percent and
11 five percent which is seven percent, but you just told
12 me if we did it it would be three percent.

13 MR. GERTMAN: Well --

14 COMMITTEE CHAIR JONES: So I mean --

15 MR. GERTMAN: No. No. I wasn't clear if
16 that's your understanding of what I said.

17 What it means is a three, what I'm proposing
18 is that the amount that we requested could be reduced by
19 seven percent to make it within your five percent
20 variance range. And that would cause the total to
21 change by three percent, because clearly the residential
22 sector is not all the tonnage.

23 COMMITTEE CHAIR JONES: Any questions by the
24 members? Okay.

25 I think that there's obviously some confusion

1 about these issues. I mean you're talking about
2 residential surveys, right?

3 MR. GERTMAN: Yes.

4 COMMITTEE CHAIR JONES: I mean you, you, those
5 residential surveys weren't used to extrapolate the
6 amount of horses in Portola Valley, right?

7 MR. GERTMAN: No, they were not.

8 COMMITTEE CHAIR JONES: Okay.

9 MR. GERTMAN: Thank you.

10 COMMITTEE CHAIR JONES: So we're talking about
11 some source reduction activity that might happen in one
12 of these houses.

13 MR. GERTMAN: That's correct. Grass cycling
14 and other activities like that.

15 COMMITTEE CHAIR JONES: Portola Valley?

16 MR. GERTMAN: Yes.

17 COMMITTEE CHAIR JONES: They have lawns?

18 MR. GERTMAN: Yes.

19 COMMITTEE CHAIR JONES: They don't even make
20 garbage in Portola Valley, they put it behind a fence.

21 (LAUGHTER.)

22 MR. GERTMAN: They have large lot sizes, so
23 yes.

24 COMMITTEE CHAIR JONES: All right. Thank
25 you.

1 I -- do you have anything to say, staff?

2 MR. SCHIAVO: The one comment, there is
3 diversion that takes place, but we don't know what that
4 volume is and so, therefore, we zero it out unless the
5 jurisdiction can show us at least some kind of, whether
6 it's actuals or some kind of definitive or reasonable
7 proof of what it is. Otherwise we don't know what
8 number to put in there, and we're coming up with this
9 kind of a willy nilly estimate, if you will.

10 COMMITTEE CHAIR JONES: Right.

11 MR. SCHIAVO: And so, you know, obviously it's
12 your decision, but that's the reason why we zeroed it
13 out is we don't have any basis for the number.

14 COMMITTEE CHAIR JONES: Right.

15 MR. SCHIAVO: But there is something going on,
16 I mean we acknowledge that, we know that, but --

17 COMMITTEE CHAIR JONES: But, so these 40 total
18 samples were extrapolated out over the number of
19 households?

20 MR. SCHIAVO: Right.

21 COMMITTEE CHAIR JONES: And that was
22 problematic from day one.

23 MR. SCHIAVO: Right. And, you know, you take
24 the 40, the actual amount as a product of those 40, and
25 that would be considered diversion, and that would be

1 okay for us because there's something definitive to work
2 off of.

3 COMMITTEE CHAIR JONES: And that wasn't
4 allowed?

5 MR. SCHIAVO: Which we allowed.

6 MS. MORGAN: We allowed. We allowed the
7 actual.

8 COMMITTEE CHAIR JONES: Oh, you allowed some
9 of that?

10 MR. SCHIAVO: Yeah.

11 COMMITTEE CHAIR JONES: Okay. All right. I
12 want to move adoption of Resolution 2002-202,
13 consideration of a request for the change in the base
14 year from the previously approved source reduction and
15 recycling element and consideration of the '97-'98
16 biennial findings for the SRRE and the HHWE, and
17 consideration of completion of compliance order
18 IWMA-9952 for the town of Portola Valley in San Mateo
19 County.

20 COMMITTEE MEMBER MEDINA: Second.

21 COMMITTEE CHAIR JONES: We have a motion by
22 Jones, a second by Medina.

23 Call the roll.

24 COMMITTEE SECRETARY BAKULICH: Eaton?

25 COMMITTEE MEMBER EATON: Aye.

1 COMMITTEE SECRETARY BAKULICH: Medina?

2 COMMITTEE MEMBER MEDINA: Aye.

3 COMMITTEE SECRETARY BAKULICH: Moulton-
4 Patterson?

5 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

6 COMMITTEE SECRETARY BAKULICH: Jones?

7 COMMITTEE CHAIR JONES: Aye. Thank you.

8 We'll put this on consent.

9 Item 23, number 55.

10 MR. SCHIAVO: Keir will be making this one.

11 COMMITTEE CHAIR JONES: This is the town of
12 Woodside.

13 MR. FUREY: This is for the base year for the
14 town of Woodside.

15 The town originally submitted a new base year
16 change request with a diversion rate of 44 percent. In
17 the study submitted by the town the diversion data was
18 extrapolated for the residential sector, but the Board
19 staff does not recommend inclusion of this data for
20 inadequate sample size, and has removed it from the
21 staff's recommendation, recommended diversion rates.

22 Staff had originally thought the town agreed,
23 however, they contacted us and the consultants and the
24 town does not agree with the deduction for the
25 extrapolation for the residential sector.

1 We did inform the town that they could present
2 a case for re-including the residential sector
3 extrapolation at the committee meeting.

4 Also as part of the base year study, Board
5 staff conducted a detailed site visit. As a result,
6 inaccuracies of non-residential estimates were
7 discovered.

8 Board staff has recommended deductions and
9 additions that can be reviewed in their entirety by
10 referring to attachment three of the agenda item
11 packet.

12 As a result of the deductions and additions,
13 staff recommended a revised diversion rate of 42 percent
14 for the base year of 1999.

15 Since 1999 the town has continued to introduce
16 new diversion programs and enhance and improve existing
17 programs.

18 In September of 2000 the town's C&D ordinance
19 went into effect and requires 60 percent diversion of
20 materials produced from local building projects.

21 Also in 2000 the town adopted administrative
22 procedures for the procurement of recycled content
23 products.

24 With the new programs, the town's diversion
25 rate continues to increase. The diversion rate for 2000

1 with the new proposed diversion amounts or generation
2 amounts would calculate to 57 percent.

3 Board staff has determined that the
4 information is adequately documented.

5 Based on this information, Board staff is
6 recommending option two of the agenda item which would
7 approve the revised new base year with staff
8 recommendations; accept the 1997-98 biennial review
9 findings; and end the compliance order for the town.

10 Representatives for the town are available.

11 This concludes my presentation.

12 COMMITTEE CHAIR JONES: Any questions of
13 staff?

14 Mr. Gertman, do you have the same?

15 MR. GERTMAN: I have the same argument, but I
16 have also have one additional comment that I'd like to
17 make, and it's just a comment, I don't expect any action
18 on it.

19 And that is that the franchise waste hauler
20 that services the entire residential commercial sector,
21 disposes of about 3,000 tons a year of waste.

22 The disposal reporting system reports over
23 16,000 tons disposed, which by those calculations would
24 mean 13,000 tons of self-haul waste are assigned to
25 Woodside, and I don't believe that that's possible.

1 And I think that the Board needs to take
2 action on the disposal reporting system to bring that
3 number into reality.

4 Thank you.

5 COMMITTEE CHAIR JONES: Thank you.

6 COMMITTEE MEMBER MEDINA: Are you ready for a
7 motion?

8 COMMITTEE CHAIR JONES: Yeah, I just, are we,
9 has the issues about the disposal reporting system
10 been -- well, wait a minute. You're saying that 5,000
11 gets disposed of so you're saying that 11,000 --

12 MR. GERTMAN: No, 3,000 tons is disposed by
13 the franchise waste hauler who has the exclusive
14 contract for the community, does not have exclusive
15 franchise for the debris boxes, so clearly some of that
16 is from debris boxes.

17 COMMITTEE CHAIR JONES: Okay.

18 MR. GERTMAN: But to say that 3,000 tons is
19 franchise waste, and 13,000 tons is self-haul, I think
20 is a little out of line.

21 COMMITTEE CHAIR JONES: All right. So you
22 guys are working on that as their consultant, you're
23 trying to find that out in the DRS?

24 MR. GERTMAN: We are trying to identify how
25 and why that's reported. But I'm not happy that it's

1 accepted when the people filing the disposal report file
2 that report and they're not challenged.

3 COMMITTEE CHAIR JONES: Did the city challenge
4 the numbers with the county?

5 MR. GERTMAN: With the county, yes, and also
6 in the annual report and base year adjustment report.
7 We have no resolution to date.

8 COMMITTEE CHAIR JONES: Okay. So it could
9 be -- okay.

10 COMMITTEE MEMBER EATON: Is that one of the
11 reasons why they didn't file the, sign the certification
12 form for over like nine, ten months?

13 MR. GERTMAN: No, I think that was just a
14 misunderstanding in the way it was filed. There was no
15 intent not to sign that form.

16 COMMITTEE CHAIR JONES: So that's an issue you
17 guys are, that the city is trying to figure out?

18 MR. SCHIAVO: Uh-huh.

19 COMMITTEE CHAIR JONES: Okay. Madam Chair --
20 or yeah.

21 COMMITTEE MEMBER MOULTON-PATTERSON: I'd like
22 to move Resolution 2002-203, consideration of the
23 request to change the base year to 1999 for the
24 previously approved source reduction and recycling
25 element, consideration of the '97-'98 biennial review

1 findings for the source reduction and recycling element
2 and the household hazardous waste element; consideration
3 of completion of compliance order IWMA 99-95 for the
4 town of Woodside, San Mateo County.

5 COMMITTEE MEMBER MEDINA: Second.

6 COMMITTEE CHAIR JONES: Thank you. We have a
7 motion by Chairwoman Moulton-Patterson and a second by
8 Mr. Medina.

9 Substitute the previous roll. Okay.

10 Put it on consent. Okay. This will be put on
11 consent.

12 MR. GERTMAN: Thank you.

13 MR. SCHIAVO: The next item is for the City of
14 Blythe, Riverside County, number 56 in the Board packet,
15 and this will be number 24 in the committee packet.

16 And this will be presented by Rebecca Brown.

17 MS. BROWN: Good morning. After receiving the
18 compliance order, the city decided to do a 1998 base
19 year to get a more accurate diversion rate.

20 The city has met all the requirements that
21 were identified and scheduled in the compliance order.

22 The city originally submitted a new base year
23 change request with a diversion rate of 40 percent. As
24 part of the base year study review, Board staff
25 conducted a detailed site visit. Board staff's proposed

1 changes can be seen in their entirety in attachment
2 three.

3 The major change was to deduct 6,000 tons of
4 inert recycling from an illegal dump site. Because the
5 inert material was stockpiled over multiple years, and
6 because the city could not provide information on how
7 much tonnage was disposed at the site in 1998, the
8 tonnage was determined as not representative for the
9 city's base year.

10 With these changes, the city's diversion rate
11 for 1998 would be 24 percent, although they did not meet
12 the 25 percent diversion goal in their new base year.
13 With the approval of the Board staff recommended revised
14 new base year study, they will exceed this goal in
15 1999.

16 In performing a preliminary calculation, the
17 diversion rate for 1999 would be 27 percent, and for
18 2000 would be 36 percent. The city indicated that they
19 would submit a time extension request shortly.

20 Based on this information, Board staff is
21 recommending option two of the agenda item which would
22 approve the revised new base year with staff
23 recommendations, accept the 1997-'98 biennial review
24 findings, and end the compliance order for the city.

25 Representatives from the city are present to

1 answer any questions.

2 In addition, I would like to note that we do
3 need to make a correction on the resolution. At the end
4 of the resolution it refers to the City of Blythe as
5 being in San Bernardino County; that's incorrect, it
6 should be noted that they are in Riverside County.

7 Representatives from the city are present to
8 answer any questions.

9 And this does conclude my presentation.

10 COMMITTEE CHAIR JONES: Any questions from the
11 members?

12 And do I hear a motion?

13 COMMITTEE MEMBER MEDINA: I'd like to move
14 Resolution 2002-204, request to change the base year to
15 1998 for the previously approved source reduction and
16 recycling element, consideration of the '97-'98 biennial
17 review findings for the source reduction and recycling
18 element and household hazardous waste element, in
19 consideration of completion of compliance order IWMA
20 BR99-81 for the City of Blythe, Riverside County.

21 COMMITTEE CHAIR JONES: And I'll second it.

22 We have a motion by member Medina, a second by
23 Jones. Since Linda Moulton-Patterson isn't here right
24 now we will take a roll vote.

25 COMMITTEE SECRETARY BAKULICH: Eaton?

1 COMMITTEE MEMBER EATON: Aye.

2 COMMITTEE SECRETARY BAKULICH: Medina?

3 COMMITTEE MEMBER MEDINA: Aye.

4 COMMITTEE SECRETARY BAKULICH: Jones?

5 COMMITTEE CHAIR JONES: Aye. Hold the roll
6 open, when the Chairwoman gets back she can vote on it.

7 And if it is acceptable, we'll put this on
8 consent pending her vote.

9 Item, this is the one that you had 25 and 11
10 were linked and you want to hear this first?

11 MR. SCHIAVO: 25 first and then 11.

12 COMMITTEE CHAIR JONES: And then 11?

13 MR. SCHIAVO: Yeah.

14 COMMITTEE CHAIR JONES: Gotcha.

15 MR. SCHIAVO: And Terri will be doing this
16 presentation.

17 MS. EDWARDS: The city originally submitted a
18 new base year change request with a diversion rate of 24
19 percent. As part of the base year study review, Board
20 staff conducted a detailed site visit.

21 Board staff's proposed changes can be seen in
22 attachment three in their entirety. With these changes,
23 the city's diversion rate for 1999 will be 15 percent.

24 Board staff conducted an on-site verification
25 of the claimed tonnage in the jurisdiction submitted new

1 base year.

2 Some of the deductions made were as follows:

3 For a supermarket, tonnage claimed was
4 extrapolated using data from another store. Tonnage was
5 not representative for this particular store, and so was
6 deducted from the study.

7 An asphalt and concrete recycling program for
8 the city, amounts could not be verified for the city and
9 resulted in a deduction.

10 The city is currently working on better
11 tracking methods for future diversion.

12 At a water treatment facility, Board staff
13 discovered that a water treatment facility recycles
14 concrete and asphalt. Once verified, this was included
15 in the Board staff revised new base year study.

16 Pallets. Pallets were deducted when it was
17 verified that they were using 'em as firewood at the
18 water treatment facility.

19 In addition, pallet tonnage was reduced at a
20 grocery store when it was discovered that they only
21 repair and reuse a certain percentage on site.

22 Finally, thrift store diversion was deducted
23 when tonnage claimed could not meet restricted waste
24 requirements. And staff were informed by the city that
25 the store is no longer in business.

1 There was not a replacement for this business,
2 and since it's not representative of a typical year for
3 the city, in addition to restricted waste concerns, this
4 tonnage was deducted.

5 Although they did not meet the 25 percent
6 diversion goal in their new base year, with the approval
7 of the Board staff recommended revised new base year,
8 they will exceed this goal in 2000.

9 In performing a preliminary calculation for
10 2000, the rate would be 28 percent. The city submitted
11 a time extension request which will be heard later,
12 after this item.

13 Based on this information, Board staff is
14 recommending option two of the agenda item which would
15 approve the revised new base year study with staff
16 recommendations, accept the 1997-1998 biennial review
17 findings, and end the compliance order for the city.

18 And representatives for the city are present
19 to answer any questions, as well as Board staff.

20 And this concludes my presentation.

21 COMMITTEE CHAIR JONES: Any questions? Okay.

22 We do have two speakers. Any questions of
23 staff right now? All right.

24 Joe Gozetta?

25 MR. GOZETTA: We're here just to answer

1 questions from the city and our hauler.

2 COMMITTEE CHAIR JONES: Okay. This, do we
3 have a motion on item 25 which is 2002-205, the base
4 year change?

5 I'll make the, I'll move adoption of
6 Resolution 2002-205, consideration of the request to
7 change the base year to '99 for the previously approved
8 SRRE, consideration of the '97-'98 biennial review
9 finding for the SRRE and HHWE, and consideration of
10 compliance order IWMA-BR99-84 for the City of Desert Hot
11 Springs in Riverside County.

12 COMMITTEE MEMBER MEDINA: Second.

13 COMMITTEE CHAIR JONES: We have a motion by
14 Jones, a second by Mr. Medina. Do you -- oh, yeah, call
15 the roll.

16 COMMITTEE SECRETARY BAKULICH: Eaton?

17 COMMITTEE MEMBER EATON: Aye.

18 COMMITTEE SECRETARY BAKULICH: Moulton-
19 Patterson?

20 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

21 COMMITTEE SECRETARY BAKULICH: Medina?

22 COMMITTEE MEMBER MEDINA: Aye.

23 COMMITTEE SECRETARY BAKULICH: Jones?

24 COMMITTEE CHAIR JONES: Aye. Could you go
25 back to the Blythe item and, for Chairman

1 Moulton-Patterson?

2 COMMITTEE SECRETARY BAKULICH: Moulton-
3 Patterson?

4 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

5 COMMITTEE CHAIR JONES: Okay. The Blythe item
6 was four 0, and that will go on consent.

7 And this item is four 0, and it will go on
8 consent.

9 Now we're going to hear item 11 which is tied
10 to that.

11 MR. SCHIAVO: And Melissa Vargas will be
12 making this presentation.

13 MS. VARGAS: Good morning. This agenda item
14 is presenting the City of Desert Hot Springs request for
15 a SB 1066 time extension until December 31st, 2003.

16 The City of Desert Hot Springs submitted an SB
17 1066 request for a time extension, and staff and the
18 Board's Office of Local Assistance has reviewed the
19 item.

20 The review of the item included an analysis of
21 the application; review of the city's diversion program
22 development; and discussions with representatives from
23 the city, the waste hauler, and the city's consultant.

24 The city has developed its request on an
25 existing diversion rate of 28 percent.

1 They have identified new and expanded programs
2 that they feel will provide sufficient diversion to
3 reach the mandated 50 percent rate required by AB 939.
4 And for that you can refer to pages 43-4 and five.

5 In addition, the application clearly
6 identified program barriers that interfered with its
7 ability to reach the diversion goal by the year 2000,
8 and its good faith efforts for the program development
9 based on SRRE selected programs as well as alternative
10 programs. Those good faith effort explanations or
11 details can be found on page 43-3.

12 Though Board staff feel this city has
13 presented an impressive application with excellent
14 detail, staff's analysis indicates that the city needs
15 to expand their current programs to effectively
16 implement the source reduction and recycling measures in
17 its SRRE.

18 These recommendations include the following
19 programs: Residential self-haul green waste; wood waste
20 diversion; school source reduction, recycling and
21 education programs; mandatory source reduction plans for
22 businesses; and expanded government recycling that
23 includes more material types.

24 You can refer to page 43-5 for more discussion
25 on that.

1 Based on this information, Board staff is
2 recommending that the Board make recommendations for the
3 implementation of programs that it believes the
4 jurisdiction should add and expand for its plan to be
5 successful, and continue the item to the next Board
6 meeting to allow the jurisdiction time to revise its
7 application.

8 Representatives from Desert Hot Springs are
9 here to answer any questions.

10 This concludes my presentation. Thank you.

11 COMMITTEE CHAIR JONES: Any questions from the
12 members?

13 COMMITTEE MEMBER EATON: You want to continue
14 this item?

15 MS. VARGAS: Yes.

16 COMMITTEE MEMBER EATON: Based on?

17 MS. VARGAS: Recommendations that we provided
18 in the agenda item to include, incorporate more
19 additional programs such as with the schools and the
20 green waste, the mandatory business recycling.

21 COMMITTEE CHAIR JONES: And what does the city
22 say to that?

23 COMMITTEE MEMBER EATON: I'm just trying to
24 figure out why I got a revised one.

25 MS. VARGAS: The city representatives are

1 here, we've been working with them to --

2 MR. GERTMAN: We do support staff's
3 recommendation and we do support the staff action.

4 COMMITTEE CHAIR JONES: To hold off for a
5 month until you can revise the 1066 a little more?

6 MR. GERTMAN: Yes, that would be fine.

7 MS. VARGAS: The reason for the revision is
8 that we had incorrectly put the diversion rates, and
9 that was the reason for the revision. It was just the
10 staff writeup, the numbers were incorrect.

11 COMMITTEE CHAIR JONES: Okay. So they, the
12 city and the hauler and the Board staff are in
13 concurrence that they want to hold off for a month?

14 All right. Then I'm going to propose that we
15 hold this agenda item in committee for a month while you
16 work these things out.

17 How do the members feel about that?

18 COMMITTEE MEMBER MOULTON-PATTERSON: Fine.

19 COMMITTEE MEMBER EATON: Yeah.

20 COMMITTEE CHAIR JONES: We're okay.

21 COMMITTEE MEMBER EATON: As long as the
22 information is one week ahead of the committee so we can
23 find out whether they incorporated it.

24 COMMITTEE CHAIR JONES: Right. Right. Are we
25 going to be able to get that done, or do we need to hold

1 this for a couple of months? Let us know, okay?

2 MR. SCHIAVO: We'll see when we get it.

3 COMMITTEE CHAIR JONES: We may have to hold
4 this.

5 MR. SCHIAVO: Yeah, I think they're due in the
6 next couple of days.

7 COMMITTEE CHAIR JONES: All right. We may
8 have to hold this at committee for two months?

9 MR. SCHIAVO: Yeah.

10 COMMITTEE CHAIR JONES: If that's the case the
11 members don't have a problem with that, do they?

12 Okay. All right. That's what we will do.

13 COMMITTEE MEMBER EATON: Shouldn't we treat
14 them the same way we treated the other jurisdictions
15 that were improper, to disapprove because there's some
16 information there and then they can come back in July?
17 I mean we need to have some consistency here cause if
18 you're trying to get them to change what's in their
19 application because you feel it is not inclusive enough,
20 is that correct?

21 MR. SCHIAVO: The major differences between
22 the two is --

23 COMMITTEE MEMBER EATON: Answer my question.

24 MR. SCHIAVO: Okay. In this particular --

25 COMMITTEE MEMBER EATON: I think it's very

1 important in these processes, based upon my experience
2 on the Board, we always change. So if we have some
3 consistency here, then the jurisdictions can know what
4 they're up against.

5 But if one jurisdiction gets to continue for a
6 month, and we've just put four or five jurisdictions on
7 that says you gotta get it within thirty days and we're
8 asking you and we're going to hear it in July, there
9 needs to be some way.

10 And if, you know, there's no stigma attached
11 to it, remember. That's what I'm trying to get at. So
12 if it's insufficient and it needs work then, you know,
13 we can disapprove it and bring it back.

14 MR. SCHIAVO: Yeah. The major differences
15 between the two sets of applications are the first set
16 didn't have a justification as to why they even needed a
17 1066 application, it didn't have any background material
18 we could even make sense of. The timeframes and the
19 programs being implemented didn't tie out to what their
20 attempts at the justification were.

21 In this particular case they did a real good
22 job of laying out the reasons for the justification and
23 everything, we just had a disagreement, which we agree
24 on now, as to what programs would get them to that
25 ultimate goal. And so that's the major difference.

1 So the one is the fundamentals of the
2 application; the other, which we talked about a couple
3 of months ago when we had the 1066 presentation,
4 actually it was suggested to us to add in this
5 recommendation to have them come back next month with
6 the additional programs.

7 COMMITTEE CHAIR JONES: Okay. Let me, let me,
8 because I think Mr. Eaton is right, but I do see a very
9 significant difference.

10 Another way would have been if we approve this
11 then they could have put in for another one at some
12 point and adjusted it.

13 MR. SCHIAVO: Right.

14 COMMITTEE CHAIR JONES: What you're trying to
15 do in cooperation with them is that you identified and
16 put 'em in now and start from there?

17 MR. SCHIAVO: Right.

18 COMMITTEE MEMBER EATON: The way you could
19 have done it is just kick back the 1066 and not brought
20 it before us.

21 COMMITTEE CHAIR JONES: Right, yeah.

22 COMMITTEE MEMBER EATON: If there was a
23 disagreement between staff and the city, then it
24 shouldn't have been brought forth unless it was a
25 legitimate issue for us to resolve.

1 COMMITTEE CHAIR JONES: Right. So I think we
2 need to --

3 COMMITTEE MEMBER EATON: That's the way that
4 should have been handled. And the base year would have
5 been approved, because this is one that's dependent upon
6 the base year.

7 COMMITTEE CHAIR JONES: Right. Right.

8 COMMITTEE MEMBER EATON: So the issue was
9 known before.

10 MR. SCHIAVO: Okay.

11 COMMITTEE MEMBER EATON: That's what I'm
12 trying to get at.

13 COMMITTEE CHAIR JONES: So we, so that's a
14 good point.

15 COMMITTEE MEMBER EATON: So it can be
16 withdrawn and resubmit it, that's the way to handle it.
17 And then there's no prejudice and there's no precedent
18 set. Right, counsel?

19 LEGAL COUNSEL BLOCK: That would be another
20 way to handle it.

21 COMMITTEE MEMBER EATON: Absolutely.

22 COMMITTEE CHAIR JONES: So we can do it one of
23 two ways; we can either have the city withdraw it and
24 resubmit it with those changes; or we can hold it in
25 committee. Mr. Eaton would like to see it withdrawn and

1 resubmitted.

2 What do the other members -- six of one? I
3 mean what do you, how do you feel?

4 COMMITTEE MEMBER MOULTON-PATTERSON: I believe
5 we should be consistent.

6 COMMITTEE CHAIR JONES: I think we should be
7 consistent too. City of Desert Hot Springs, we're going
8 to pull this application back and resubmit it right away
9 with those changes?

10 MR. GERTMAN: We'll be glad to do that.

11 COMMITTEE CHAIR JONES: We appreciate that.
12 Thank you. All right. So 11 never happened.

13 It's a good point. It's a good point.

14 MR. SCHIAVO: Item number 58 is the City of La
15 Canada Flintridge.

16 And Zane Poulson will be making this
17 presentation.

18 MR. POULSON: I'm Zane Poulson with the Office
19 of Local Assistance.

20 After receiving the compliance order, the city
21 received assistance, the City of La Canada Flintridge
22 received assistance from Office of Local Assistance
23 staff in conducting a program assessment to revise and
24 to implement certain programs, and to complete a new
25 2000 base year to get a more accurate diversion rate.

1 The city has implemented all the programs that
2 were identified and scheduled in the assistance plan.

3 The city originally submitted a new base year
4 change request for the diversion rate of 49 percent.

5 As part of the new base year study, review
6 Board staff conducted a detailed site visit. Board
7 staff has proposed changes that can be seen in their
8 entirety in attachment three.

9 A major change was to deduct 15,141 tons from
10 Scholl Canyon Landfill, and an additional ten tons from
11 La Puente Hills Landfill, which is dirt tonnage used
12 inside the, inside Scholl, used inside Scholl Canyon and
13 Puente Hills Landfill, as it does not seem to be
14 representative for the city's base year.

15 With these changes the city's diversion rate
16 for 2000 would be 42 percent.

17 Based on this information, Board staff is
18 recommending option two in the agenda item which would
19 be to approve the revised new base year with staff
20 recommendations, accept the 1997-1998 biennial review
21 findings, and end the compliance order for the city.

22 Representatives for the city are present to
23 answer any questions.

24 This completes staff's presentation. Are
25 there any questions of staff?

1 COMMITTEE CHAIR JONES: Any questions of
2 staff?

3 All right.

4 COMMITTEE MEMBER MOULTON-PATTERSON: I'll
5 move Resolution 2002-206, consideration of a requested
6 change of the base year to 2000 for the previously
7 approved source reduction and recycling element;
8 consideration of the '97-'98 biennial review findings
9 for the source reduction and recycling element and the
10 household hazardous waste element; and consideration of
11 completion of compliance order IWMA 99-74 for the City
12 of La Canada Flintridge, Los Angeles County.

13 COMMITTEE MEMBER MEDINA: Second.

14 COMMITTEE CHAIR JONES: Thank you. I have a
15 motion by Chairwoman Moulton-Patterson, and a second by
16 member Medina.

17 Substitute the previous roll? Okay.

18 Put it on consent? Okay.

19 Item passes.

20 Just for everybody's information. We do have
21 something that we have to go to after, in a bit, so it
22 would be my goal, I want to check with the members, if
23 we just keep going and get this done. We don't have
24 that much left.

25 A couple of these are presentations that are

1 going to go in front of the Board anyway or were they
2 just going to come to committee?

3 MR. SCHIAVO: No, they're for committee.

4 COMMITTEE MEMBER MOULTON-PATTERSON: I don't
5 understand that, I thought that the presentations were
6 going to be for the Board. I mean we're not going to do
7 the whole thing in committee, are we? I just want to
8 get clear.

9 MR. SCHIAVO: No, there's some presentations
10 just for the committee that support some of the
11 activities going on with DPLA that we thought would be
12 appropriate to have here because we're talking about
13 having a little bit more detail, such as the SB 2202
14 factors. That was one.

15 And then the other one was the status of how
16 we spent the money for the AB 75 program.

17 We can agendaize those for the full Board if
18 you'd like, but we're trying to just --

19 COMMITTEE CHAIR JONES: Okay. Right.

20 COMMITTEE MEMBER MOULTON-PATTERSON: You know,
21 I mean use your discretion on this and we can maybe
22 think about it, but --

23 COMMITTEE CHAIR JONES: Some of those are
24 probably appropriate --

25 COMMITTEE MEMBER MOULTON-PATTERSON: It's not

1 my intent to do the entire Board meeting at the
2 committee level.

3 That was my understanding, Mr. Leary.

4 EXECUTIVE DIRECTOR LEARY: I don't disagree
5 with that. I think, as Pat suggested, there are some
6 items that are detail-oriented and support the program
7 that are appropriate for committee, and there are other
8 items that we take a guess at and suggest that they
9 maybe go to the full Board for consideration.

10 COMMITTEE CHAIR JONES: Okay. I think that we
11 probably ought to have those presentations. We'll hit
12 'em, but I think some of these presentations should go
13 to the full Board.

14 I think the 2202 should go to the full Board,
15 so we'll do that one.

16 I think the grants ought to go to the full
17 Board.

18 MR. SCHIAVO: We'll do that the next month
19 then.

20 COMMITTEE CHAIR JONES: And the alternative
21 daily cover.

22 MR. SCHIAVO: That's --

23 COMMITTEE CHAIR JONES: That's item five.

24 MR. SCHIAVO: That's already going before the
25 full Board.

1 COMMITTEE CHAIR JONES: That's just for
2 direction to the Board, right?

3 MR. SCHIAVO: Right. So we can just hold off
4 and do that at the full Board.

5 COMMITTEE CHAIR JONES: Okay. So we are on,
6 is that okay, members, those two, we'll move those
7 presentations to the full Board without discussion.

8 I think we do have to have a little discussion
9 on number five, and we still have to do number six.
10 That should get us out of here in time for our other
11 obligations.

12 So we are on item 27, which is 59.

13 MR. SCHIAVO: And Rebecca Brown will be making
14 this presentation.

15 MS. BROWN: Rebecca Brown, Office of Local
16 Assistance.

17 After receiving the compliance order, the city
18 decided to do a new 1999 base year to get a more
19 accurate diversion rate. The city has met the
20 requirements that were identified and scheduled in the
21 compliance order.

22 The city originally submitted a new base year
23 change request with a diversion rate of 39 percent.

24 As part of the base year study review Board
25 staff conducted a detailed site visit. Board staff

1 proposed changes can be seen in their entirety in
2 attachment three.

3 The major changes were the deduction of
4 concrete and asphalt recycling by the city, because the
5 city could not provide the quantification method of the
6 tonnage.

7 And the deduction of concrete recycling at a
8 concrete batch plant because the concrete leftovers of
9 the day had been stockpiled for several years. The
10 business could not provide the information for the
11 amount recycled in the base year.

12 With these changes the city's diversion rate
13 for 1999 would be 29 percent. In performing a
14 preliminary calculation, the diversion rate for 2000
15 would be 31 percent. The city has reserved the right to
16 submit a time extension request.

17 Based on this information, Board staff is
18 recommending option three of the agenda item which would
19 approve the revised new base year with staff
20 recommendations, accept the 1997-'98 biennial review
21 finding, accept the petition for sludge diversion, and
22 end the compliance order for the city.

23 Representatives from the city are present to
24 answer any questions you may have. And this concludes
25 my presentation.

1 Thank you.

2 COMMITTEE CHAIR JONES: Thanks.

3 Questions, Mr. Eaton?

4 COMMITTEE MEMBER EATON: I have one kind of
5 question and it's not really related to this. The issue
6 was how long was this material stockpiled at the
7 particular site?

8 MS. BROWN: At the batch plant?

9 COMMITTEE MEMBER EATON: Yeah.

10 MS. BROWN: I don't know that the plant
11 operator could give us --

12 COMMITTEE MEMBER EATON: Was it a couple of
13 years?

14 MS. BROWN: No, not that long. It's more, it
15 could have crossed over from one year to the next, you
16 know. If it's stockpiled for three months that could be
17 November, December, January. They don't have a way of
18 tracking where it came from, where the job was, when it
19 was stockpiled, so it just sits there and it gets
20 rotated through and brought back out. When they have a
21 pile big enough they grind it again.

22 COMMITTEE MEMBER EATON: I just want to make
23 sure that when you go into these we have others that
24 also deal with regulations about whether or not these
25 types of facilities are going to be exempt or not

1 exempt.

2 MS. BROWN: Ahh, okay.

3 COMMITTEE MEMBER EATON: Right? You know,
4 we're always trying to figure it out. So somehow again
5 planning has got to talk to the other departments to
6 figure out, you know.

7 MS. BROWN: This is a private business
8 that --

9 COMMITTEE MEMBER EATON: Yeah, I know, I'm
10 just trying to figure out --

11 (Thereupon there was simultaneous discussion.)

12 COMMITTEE MEMBER EATON: I'm not going to take
13 anymore time because we're trying to move along, but you
14 need to talk to one another a little bit about how long
15 this is kept. Because we have these issues about how
16 long it's going to be kept, and I, frankly I think we
17 struggle sometimes and someone tries to explain to you,
18 well it's these kinds of facilities, and you're saying
19 here that you can't count 'em, then it's kind of lays
20 the argument that maybe they should be required to have
21 a permit.

22 I mean those kinds of issues, that's all I'm
23 trying to get at. If you can just do that, Mr. Leary,
24 that would be helpful for us to deal with the regs.

25 COMMITTEE CHAIR JONES: And they would

1 actually have a requirement under the exemption to at
2 least detail where that material is going, and that
3 would be your source of information --

4 COMMITTEE MEMBER EATON: Right.

5 COMMITTEE CHAIR JONES: -- using that permit.

6 So, all right. Any other questions?

7 Do I have a motion?

8 I'll move Resolution 2002-207, consideration
9 of a request to change the base year of '99 for the
10 previously approved SRRE, and consideration of petition
11 for sludge diversion credit, consideration of the
12 '97-'98 biennial review findings for the SRRE and HHWE,
13 and consideration of completion of compliance order
14 IWMA-BR99-49 for the City of Adelanto in San Bernardino
15 County.

16 COMMITTEE MEMBER MEDINA: Second.

17 COMMITTEE CHAIR JONES: We have a motion by
18 Jones, a second by Mr. Medina.

19 Substitute the previous roll? So done.

20 Put it on consent? So done.

21 All right. Item number -- yeah, well --

22 MR. SCHIAVO: Want to do six first? That's a
23 real quick one.

24 COMMITTEE CHAIR JONES: We'll do six first and
25 then five. Item number three is going to come to the

1 full Board.

2 MR. SCHIAVO: Right.

3 COMMITTEE CHAIR JONES: Item number four is
4 going to come to the full Board.

5 MR. SCHIAVO: Right.

6 COMMITTEE CHAIR JONES: And item number seven,
7 is that going to be a quick presentation?

8 COMMITTEE CHAIR JONES: You heard it.

9 COMMITTEE CHAIR JONES: We heard it today. Do
10 we need, we don't need to, it was a question mark that I
11 had put down that if there were other Board members that
12 wanted to hear it, but okay.

13 COMMITTEE SECRETARY BAKULICH: Seven is what,
14 I'm sorry.

15 COMMITTEE CHAIR JONES: Seven is what? Okay,
16 item number six.

17 MS. SULLIVAN: I'm Carolyn Sullivan with the
18 Office of Local Assistance.

19 Committee agenda item six is an amendment to
20 the non-disposal facility element for the City of San
21 Leandro in Alameda County.

22 As part of the Alameda County Integrated Waste
23 Management Plan five year review process, each of the
24 jurisdiction's planning documents are being reviewed.

25 During this review it was determined that a

1 number of nondisposal facilities utilized by San Leandro
2 were absent from the city's NDFE. The facilities are
3 listed on pages 38-1 of your agenda packet.

4 Upon review of the amended application, staff
5 found the information submitted contained the necessary
6 documentation, and therefore staff recommends approval
7 of this item.

8 MR. SCHIAVO: Any questions?

9 COMMITTEE CHAIR JONES: Any questions? I'm
10 sorry.

11 That was it. Madam Chair, sorry.

12 COMMITTEE MEMBER MOULTON-PATTERSON: I'd like
13 to move Resolution 2002-185, consideration of the
14 amended nondisposal facility element for the City of San
15 Leandro, Alameda County.

16 COMMITTEE MEMBER EATON: Second.

17 COMMITTEE CHAIR JONES: Okay. We've got a
18 motion by Chair Linda Moulton-Patterson and a second by
19 Mr. Medina.

20 Substitute the previous roll? So done.

21 And put it on consent? So done.

22 Item number five.

23 MR. SCHIAVO: And this will be presented by
24 Lorraine Van Kekerix and staff.

25 COMMITTEE CHAIR JONES: Now this item will

1 come in front of the full Board this month?

2 MR. SCHIAVO: This will come in front of the
3 Board this month, right. And it's constantly getting
4 revised as we get information.

5 Dianne will go ahead and give the presentation
6 on this.

7 MS. RANGE: Good afternoon, Board members.
8 This item is a request for direction on alternative
9 daily cover tonnages, and it was originally brought to
10 the Board last July and we updated the Board orally in
11 October, November, and December.

12 As you may recall, staff began investigating a
13 number of facilities that reported significant amounts of
14 ADC or alternative daily cover for the reporting year
15 2000, in disposal reports that we received in May,
16 2001.

17 In all, nine facilities were investigated.
18 And after the July Board meeting corrections were made
19 to seven of the nine disposal reports for seven of the
20 nine facilities. And ADC tonnages were mostly put back
21 into disposal because of inaccurate reporting.

22 Two facilities are still unresolved and have
23 potential issues with ADC overuse.

24 And one facility that was originally resolved
25 for incorrectly reporting ADC for 2000 has begun

1 incorrectly reporting ADC tonnages for 2001.

2 The facilities that we're reviewing for issues
3 of potential overuse are Fontana and Colton Refuse
4 Disposal sites, both located in San Bernardino County,
5 and operated and owned by the county.

6 For the two facilities investigated for
7 overuse, staff conducted site investigations and a
8 review of facility records in June, 2001.

9 In October, 2001, San Bernardino County
10 submitted origin data, and the county's calculation
11 method for determining how much ADC is needed at the
12 sites to adequately cover one foot of waste.

13 Then, in February, 2002, as directed by the
14 Board, the CIWMB staff and the staff of the Board of
15 Equalization conducted a review of facility records to
16 verify the appropriate amount of ADC and determine the
17 accuracy of jurisdiction of origin information.

18 There are issues that need to be resolved in
19 order to determine whether ADC was overused and the
20 appropriate steps to take if overuse has occurred.

21 Regulations specify the ADC material applied
22 in excess of requirements for the cover count as
23 disposal.

24 First, staff has to examine the accuracy of
25 total ADC types, amounts and densities, then review the

1 landfill configuration and apply the ADC amount and
2 density to calculate whether ADC use exceeds the
3 regulatory limits.

4 Second, staff has to determine whether the
5 origin information is correct, and to identify options
6 for allocating any excess ADC to the jurisdictions as
7 tons disposed.

8 The county submitted calculations in October,
9 2001, specifying a green waste density of .39 tons per
10 cubic yards. Staff analyzed the calculations and
11 determined that based on the county's method, the amount
12 of green waste ADC used at both sites is in excess of
13 the amount allowed as cover by regulation.

14 For Colton it's 5,419 excess tons, and for
15 Fontana it's 117,524 tons in excess, for the period 1999
16 to 2001.

17 Then in March, 2002, the county submitted a
18 revised density factor to be used in the calculation
19 indicating that .46 tons per cubic yard better
20 represents the material and the condition of the green
21 waste.

22 After calculating both densities into the
23 county's methodology, staff found that both density
24 factors resulted in excess ADC tonnages for Fontana,
25 however the revised density factor resulted in a change

1 of excess tons for Colton from 5,419 tons to zero excess
2 tons for the same period; and for Fontana, 117,524 tons
3 to 95,454 tons excess, which is a difference of over
4 22,000 tons.

5 In addition, the County also proposed that for
6 Colton reporting year 1999, ADC tonnages for the fourth
7 quarter be revised to subtract out the ADC data reported
8 for one month in the quarter when the facility received
9 shredded tires in addition to green waste; and to add in
10 the average daily tonnage for ADC use for that month's
11 data to be used in calculating the ADC tonnages.

12 Board staff has determined that shredded waste
13 tires and green waste are comparable in density and,
14 therefore, it would not be necessary to make any changes
15 to fourth quarter, 1999.

16 Originally the ADC tonnages were reported as
17 assigned to San Bernardino County. The county has
18 revised the origin data to assign ADC tonnages to 33
19 jurisdictions for Fontana, and ten jurisdictions for
20 Colton.

21 Staff has reviewed the county's records and
22 those of several green waste processors that supply
23 green waste material to the facilities to obtain
24 clarification of the jurisdiction of origin.

25 As a result of reviewing all sets of records,

1 staff has found discrepancies in the jurisdiction of
2 origin data, and the best available information we have
3 from processors and haulers has given us additional
4 jurisdictions of origin for reporting year 2000.

5 Staff continues to work on verifying the data
6 for 2001, but because the data does not seem reliable
7 due to the discrepancies, we are unable at this time to
8 make the recommendation on the jurisdiction of origin
9 for 2001.

10 Let's move onto the Board options. Board
11 direction is needed for several items to deal with ADC
12 overuse issues at Fontana and Colton.

13 First, what is the appropriate density for
14 green waste ADC? .39 tons per cubic yard, or .46 tons
15 per cubic yard?

16 Then, based on the Board's direction on the
17 density factors, determine that ADC use is in excess of
18 cover requirements at the Fontana Refuse Disposal site.

19 If this is the Board's determination, excess
20 tonnage would need to be allocated to jurisdiction
21 disposal. And so staff is seeking Board direction on
22 how this allocation should be accomplished.

23 To add excess tons to the jurisdictions'
24 disposal for those jurisdictions that sent waste to the
25 facility by the percentage of the waste sent;

1 To the City of Rialto's disposal because it is
2 the host jurisdiction where the facility is located;

3 Or to add excess tons to jurisdictions'
4 disposal based on data received from processors and
5 haulers.

6 Board option three. The Board may find ADC
7 use not in excess and direct ADC tonnages to be
8 allocated to a revised jurisdiction of origin.

9 And finally, for the Fontana facility,
10 determine probable ADC tonnages for each jurisdiction
11 disposing waste at Fontana on a case by case basis.

12 For the Colton Refuse Disposal site, staff has
13 identified options to revising ADC tonnage for the
14 fourth quarter '99 reporting year to subtract shredded
15 waste tire tonnage, and add in tonnage representing
16 average daily green waste ADC to be used in calculating
17 ADC use. And direct staff and the county not to revise
18 it, or direct staff and the county not to revise the ADC
19 tonnage for fourth quarter '99 due to the comparable
20 density of shredded waste tires and green waste.

21 Six, define ADC use in excess at the Colton
22 Refuse Disposal site. And then to either add the excess
23 ADC to the jurisdiction's disposal, again based on a
24 percentage of waste sent to the facility; or add the
25 excess tons to the City of Colton's disposal which is

1 the host jurisdiction; or add excess tons to the
2 jurisdiction's disposal based on the revised
3 jurisdiction of origin.

4 Option seven, find that the ADC use is not in
5 excess to meet the cover requirements and reallocate the
6 ADC tons to the revised jurisdiction of origin.

7 Or eight, to determine probable ADC tonnages
8 for each jurisdiction disposing waste at Colton on a
9 case by case basis.

10 And finally, there is still one outstanding
11 issue that I mentioned previously, and that is with Cal
12 Mat, the inert facility located in Los Angeles County.

13 Based on the Board's direction in July, the
14 Board directed staff to add the ADC tonnages claimed at
15 the facility for reporting year 2000 to jurisdiction's
16 disposal tonnages.

17 Since the July Board meeting, revised disposal
18 data has not been received. In addition, three quarters
19 of 2001 disposal ADC data indicates that 90 percent of
20 all the tonnage received at Cal Mat was beneficial use,
21 and ten percent was used as ADC.

22 And staff has been discussing the issues with
23 the Cal Mat operator who is going to be submitting
24 revised disposal data to L.A. County by April 30th. And
25 we have received some data, last Friday, April 5th, that

1 we're currently reviewing right now.

2 And so we do have an option which is to
3 continue to work with the operator to determine the
4 correct amount of disposal for 2001.

5 So in summary, we have recommendations, three
6 actions for the Board; to determine the appropriate
7 density for green waste ADC to be .39 tons per cubic
8 yard.

9 To make no change to Colton's ADC tonnages for
10 fourth quarter '99 based on comparable density of
11 shredded waste tires and green waste.

12 And then to continue working with Cal Mat to
13 determine the correct amount of disposal for 2001.

14 Any questions?

15 COMMITTEE CHAIR JONES: Any questions of the
16 members? I've got just two real quick ones and we do
17 have a speaker.

18 When we went to, the Board staff came up with
19 3.9 tons per cubic yard? Is that who -- who came up
20 with 3.9?

21 MS. RANGE: It was originally based --

22 COMMITTEE CHAIR JONES: Or .39, I'm sorry.

23 MS. RANGE: .39 is just the conversion that we
24 used to tons which was originally --

25 MS. VAN KEKERIX: It was San Bernardino

1 County that came up with the density figure.

2 MS. RANGE: San Bernardino County came up with
3 the density figure.

4 COMMITTEE CHAIR JONES: Okay. And that's the
5 number they've been using all along. And then because
6 of this other issue now it's up to the .46?

7 The difference is it's going, you know, from
8 780 to 920 pounds. And I mean, 780, you know, I can
9 live with. 920 pounds for a cubic yard of ADC, I don't
10 know what that material could be. I mean how many yards
11 does it take to make a cubic yard out of that material?
12 That's pretty heavy, 920.

13 So if they can verify then they need to bring
14 that to the Board. But I'm thinking 780 pounds makes
15 sense, okay. 920 is a little hard to --

16 MS. RANGE: They did send in some
17 documentation that supports that density which was based
18 on a sampling method that they used using two
19 three-pound coffee cans at the site and a kitchen scale.

20 COMMITTEE CHAIR JONES: Two three-pound coffee
21 cans? It's San Bernardino, I mean the stuff that comes
22 in there that's green waste is going to be dry, half dry
23 anyway. You know, I mean it's not like we're getting
24 real wet green material. I mean you're going to get a
25 dry material just because of where it is. And I mean I

1 have a little experience in San Bernardino, I used to
2 have oversight on those facilities.

3 What were the other, the others were how do we
4 deal with this? This is going to come to the full
5 Board?

6 MS. RANGE: Yes.

7 COMMITTEE CHAIR JONES: Do you -- you're
8 expecting the full direction from the Board. Do you
9 need anything from us today as far as to get prepared
10 for the full Board meeting?

11 MS. VAN KEKERIX: If you have additional
12 questions that we haven't addressed, we'd like to get
13 those from you so --

14 COMMITTEE CHAIR JONES: Prior to the Board
15 meeting.

16 MS. VAN KEKERIX: Prior so we can revise it
17 prior to the Board meeting.

18 COMMITTEE CHAIR JONES: Okay.

19 COMMITTEE MEMBER MEDINA: In regard to the
20 options that are recommended, are you recommending all
21 three options, 1A, 5B, and 9, or are we to select among
22 those three options?

23 MS. RANGE: Those are the three, yeah, that we
24 are recommending today.

25 We haven't made a recommendation yet on the

1 excess amounts of ADC because we're still working on the
2 jurisdiction of origin data which is pertinent to how
3 that's going to be handled.

4 MS. VAN KEKERIX: So we will have an
5 additional recommendation on the jurisdiction of origin,
6 but each of those options is a different topic.

7 COMMITTEE CHAIR JONES: Right, yeah.

8 COMMITTEE MEMBER EATON: And by that you mean
9 whether it's viable to base it on the origin, or you
10 have to do a percentage, is that correct?

11 MS. VAN KEKERIX: Right. We're still
12 analyzing the data that we got from the processors.

13 COMMITTEE MEMBER EATON: I think you ought to
14 compare that -- this is the City of Colton, remember?
15 These are the grass fields that I mentioned that I
16 didn't vote for on their base year adjustment. So we
17 already know what they claim that they were getting with
18 ADC.

19 And it's, I assume it had to go to this Colton
20 facility or Fontana, I can't see 'em taking it much
21 further than that. It would seem to me that you should
22 look into those communities that were claiming it,
23 because if they have to be backed out that affects their
24 ability to claim, you know, how much they were getting
25 through source reduction.

1 COMMITTEE CHAIR JONES: And this is a facility
2 that one of our inspectors was standing in and still
3 didn't find the end of the ADC. That might be
4 reasonable to bring that to the meeting.

5 We have a speaker, Mark Aprea.

6 Mr. Aprea.

7 MR. APREA: Mr. Chairman and members of the
8 committee, thanks for allowing me the opportunity to
9 speak before you. In light of the hour I'll be very
10 brief.

11 And that is, as you know, I think most of the
12 folks in the private sector have advocated that this
13 Board take a strong enforcement position on ADC.

14 However, as you look at this data, to the
15 extent that you find a, any excess at any of these
16 facilities, because of the precedent that you will set
17 that you also be careful in terms of how you back the
18 data out.

19 There are many communities that have relied on
20 this data that has been previously submitted. And to
21 the extent that the data, that is the use of ADC is
22 found to be erroneous, they will, in fact, find that
23 they have perhaps not met their solid waste diversion
24 goals.

25 And so that you have to be careful as you look

1 at this issue in terms of allocating this waste back
2 that you do so with some care, so that a jurisdiction is
3 not found to, unfairly to have additional disposal when
4 they were relying on data that was provided to them by
5 the disposal facility.

6 COMMITTEE CHAIR JONES: And you're talking
7 about both the dirt and rock that went to the Cal Mat,
8 the Peck Road, as well as these ADC issues of green
9 waste?

10 MR. APREA: Exactly. The municipalities are
11 relying on this data. Now the data can be then later
12 found to be erroneous, and certainly that data has to be
13 backed out; but that you're very, very careful in how
14 you do that so that you don't unfairly penalize a
15 municipality in a way where the data ends up being off
16 and thereby they're found not to be in compliance with
17 the diversion requirements.

18 COMMITTEE CHAIR JONES: That had been disposal
19 until the fee came up, and then it became diversion.
20 You're aware of it, we know, and we appreciate those
21 comments.

22 MR. APREA: Thank you.

23 COMMITTEE CHAIR JONES: Is there any other
24 issues with the committee?

25 Good job by staff, good job by presenters,

1 everybody came up, bing, bang, boom.

2 Is there anybody from the public that needs to
3 address the Board on something that was not on the
4 agenda?

5 All right, then we are adjourned.

6 (Thereupon the foregoing was concluded
7 at 12:20 p.m.)

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1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

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4 Reporter and Registered Professional Reporter, in and
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10 I further certify that I am not of counsel or
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